

**THE WARRANT**  
**SPECIAL TOWN MEETING – November 8, 2022**  
**TOWN OF BAR HARBOR**

STATE OF MAINE

County of Hancock, ss

To: A Constable in 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 Municipal Building, Third Floor Auditorium in said Town on Tuesday the eighth day of November, 2022 at eight o'clock in the forenoon until eight o'clock afternoon, then and there to act on Articles numbered one through six, all of said articles being set out below to wit:

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**Article 1 – ELECTION OF MODERATOR** – To choose a Moderator to preside at said meeting.

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**Article 2 – LAND USE ORDINANCE AMENDMENT – Removal of the Two-thirds Majority Vote Requirement to Amend the Land Use Ordinance – Shall an ordinance, dated November 19, 2021, and entitled “An amendment to remove the two-thirds majority vote requirement to amend the Land Use Ordinance;” be enacted?**

*Summary: This amendment provides that a simple majority vote at Town Meeting is required to adopt a proposed amendment to the Land Use Ordinance, regardless of whether or not the Planning Board votes to recommend the amendment.*

*Explanation: Currently, following consideration of a proposed amendment to the Land Use Ordinance at a public hearing, the Planning Board is required, by majority vote, to recommend for or against the adoption of the amendment. If the Planning Board recommends against adoption, a two-thirds majority vote at Town Meeting is required to adopt the amendment. If the Planning Board recommends adoption, then a simple majority vote at Town Meeting is required to adopt the amendment.*

*Under the proposed amendment, all amendments to the Land Use Ordinance require a simple majority vote at Town Meeting, regardless of the Planning Board's recommendation.*

**Recommendations:**

*The seven-member Planning Board recommends adoption by a vote of 4 to 2 with one abstention. The 15-member Warrant Committee recommends adoption by a vote of 14 to 1.*

**An amendment to Article I**

*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**

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**§ 125-9 Amendment.**

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- E. ~~If the Planning Board recommends a proposed amendment, s~~Such amendment may be adopted by a majority vote at a duly constituted Town Meeting. ~~If the Planning Board does not recommend a proposed amendment, such amendment may be adopted only by a two-thirds majority vote at a duly constituted Town Meeting.~~

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**Article 3 – CITIZEN PETITION FOR LAND USE ORDINANCE AMENDMENT — Daily Limits on Cruise Ship Disembarkations Ordinance — Shall an ordinance dated July 19, 2022 and entitled “An amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations,” be enacted?**

*Summary: The amendment, with a retroactive date of March 17, 2022, will limit the number of persons allowed to disembark in Bar Harbor from cruise ships to a maximum of 1,000 per day.*

*Explanation: The amendment for daily limits on cruise ship disembarkations has a retroactive date of March 17, 2022.*

*The amendment will limit the number of persons from cruise ships allowed to disembark in Bar Harbor to a maximum, in the aggregate, of 1,000 per day. Exempt from this limit are persons disembarking from cruise ships that have made reservations prior to March 17, 2022. A cruise ship is defined as a watercraft carrying passengers for hire which is capable of providing overnight accommodations for 49 or more passengers.*

*The Harbor Master will develop rules and regulations to include, but not limited to, a cruise ship disembarkation reservation system, a daily counting and tracking system for persons disembarking, and a violation reporting system.*

*The Code Enforcement Officer will be responsible for enforcement of the disembarkation daily limit. Pursuant to the rules and regulations developed by the Harbor Master, property owners will be required to secure a written permit from the Code Enforcement Officer for any person disembarking from a cruise ship on, over, or across their land. The Harbor Master will report violations to the Code Enforcement Officer.*

*Each disembarking person exceeding the daily limit will constitute a specific violation resulting in a minimum civil penalty of \$100 per person.*

**Recommendations:**

*The seven-member Planning Board recommends rejection by a vote of 6 to 0 with one abstention. The 15-member Warrant Committee recommends rejection by a vote of 9 to 6.*

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**An Amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations**

*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.]

§ 125-77 Permit required for certain activities.

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H. Disembarking persons from cruise ships on, over, or across any property located within the Town of Bar Harbor.

- (1) For the purposes of this section, “cruise ship” has the same meaning as set forth in § 153-22 B. of the Town of Bar Harbor Code.
- (2) As determined by the Harbor Master, no more than 1,000 persons, in the aggregate, may disembark on a single calendar day from any cruise ship(s) and come to shore on, over, or across any property located within the Town of Bar Harbor; provided, however, that this subsection shall not apply with regard to any cruise ship reservations that have been accepted by the Harbor Master prior to March 17, 2022.
- (3) The Harbor Master shall develop rules and regulations in order to establish (a) a reservation system for cruise ships that transport persons by watercraft for disembarkation in the Town of Bar Harbor; (b) a mechanism for counting and tracking the number of persons disembarking each day; (c) a mandatory procedure for reporting violations to the Code Enforcement Officer; and (d) any other provisions that the Harbor Master deems necessary under this subsection. Any property owner issued a permit under this § 125-77 H. shall comply with all rules and regulations promulgated by the Harbor Master under this subsection.

- (4) This subsection shall be enforced by the Code Enforcement Officer in accordance with § 125-100 of this chapter, based on information as to violations provided by the Harbor Master, and property owners in violation of this subsection shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S. § 4452, as the same may be amended, provided that each disembarking person exceeding the permitted daily limit in § 125-77 H. (2) is a specific violation under 30-A M.R.S. § 4452(3)(B), resulting in a minimum \$100 penalty per excess unauthorized person.
- (5) Notwithstanding 1 M.R.S. § 302, and regardless of the date on which it is approved by the voters, this subsection will be applicable as of March 17, 2022, and shall govern any and all applications for permits or approvals required under this subsection that were or have been pending before any officer, board, or agency of the Town of Bar Harbor on or at any time after March 17, 2022; provided, however, that the Town will not take any enforcement action under this subsection with regard to any cruise ship visits occurring prior to the date of adoption by voters at Town Meeting.

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**Article 4 – CITIZENS’ PETITION LAND USE ORDINANCE AMENDMENT -  
Marijuana Stores Ordinance — Shall an ordinance dated August 16, 2022 and  
entitled “An amendment to allow Retail Marijuana Stores in the Downtown  
Village I, Downtown Village II, Bar Harbor Gateway, Downtown Village  
Transitional, and Shoreland Development III districts,” be enacted?**

*Summary: This amendment will allow marijuana retail stores in four existing zoning districts: § 125-17 Bar Harbor Gateway, § 125-21 Downtown Village I, § 125-21.1 Downtown Village II, § 125-21.2 Downtown Village Transitional, and also create a new zoning district, § 125-49.2 Shoreland General Development III, in which certain marijuana retail stores are allowed.*

*Explanation: This amendment will create and define a new use - marijuana retail stores – which will be allowed in four existing zoning districts: § 125-17 Bar Harbor Gateway, § 125-21 Downtown Village I, § 125-21.1 Downtown Village II, § 125-21.2 Downtown Village Transitional, and also create a new zoning district, § 125-49.2 Shoreland General Development III, in which certain marijuana retail stores are allowed. The boundaries of that new district are not defined.*

*The marijuana retail stores will sell marijuana, marijuana products, immature plants and seedling to adults.*

*In § 125-21 Downtown Village I District, marijuana retail stores will require a building permit or a change of use permit issued by the Code Enforcement Officer.*

*In § 125-17 Bar Harbor Gateway, § 125-21.1 Downtown Village II, and § 125-21.2 Downtown Village Transitional, marijuana retail stores will require site plan review by the Planning Board.*

*The proposed amendment indicates it is adding a new § 125-21.1 C. (3). However, because § 125-21.1 C. (3) already exists, it appears the reference was intended to be to § 125-21.1 C. (4). Therefore, in the ordinance language below, the reference has been changed to § 125-21.1 C. (4).*

*The amendment will also create a new district - § 125-49.2 Shoreland General Development III - in between the existing § 125-49.1 Shoreland General Development III District and § 125-49.2 Shoreland General Development IV District.*

*In this new district, § 125-49.2 Shoreland General Development III, marijuana retail stores would apparently be allowed provided the structure is no greater than 5,000 square feet in floor area and will require site plan review by the Planning Board. However, because the proposed petition language did not follow the Charter’s ordinance amendment format of striking old language (~~stricken~~) and underlining new language (underlined) and because the boundaries of that new district are not defined, the intent is somewhat unclear and may result in this section being unenforceable as drafted.*

**Recommendations:**

*The seven-member Planning Board recommends rejection by a vote of 5 to 1 with one abstention. The 15-member Warrant Committee recommends adoption by a vote of 9 to 6.*

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*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**

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**Article III  
Land Use Activities and Standards**

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**§ 125-17 Bar Harbor Gateway.**

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**D. Uses allowed by site plan.**

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking

garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; marijuana retail store; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

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**§ 125-21 Downtown Village I.**

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C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; marijuana retail store; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; bonus dwelling unit; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

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**§ 125-21.1 Downtown Village II.**

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C. Allowed uses.

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(3) Uses allowed by conditional use permit: public utility.

(4) Uses allowed by site plan review: marijuana retail store.

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**§ 125-21.2 Downtown Village Transitional.**

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C. Allowed uses.

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(2) Uses allowed by site plan review: multifamily dwelling II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community; marijuana retail store.

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**§125.49.1 Shoreland General Development III.**

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**§ 125-49.2 Shoreland General Development IV.**

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**§ 125-49.2 Shoreland General Development III.**

D. Uses allowed by site plan.

The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), marijuana retail store (provided the structure is no greater than 5,000 square feet in floor area), gallery, museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

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**Article XII**  
**Construction and definitions**

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125-109 Definitions

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Marijuana Retail Store: A retail establishment licensed pursuant to 28-B M.R.S. §101 et seq. to sell marijuana, marijuana products, immature marijuana plants, and seedling to adult use customers.

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**Article 5 – CITIZENS’ PETITION FOR ADULT USE MARIJUANA STORE LICENSING ORDINANCE — Shall an ordinance dated August 16, 2022 and entitled “an Adult Use Marijuana Store Licensing Ordinance, allowing for the licensing of retail marijuana stores in zoning districts in which retail is an allowed use,” be enacted?**

*Summary: The purpose of this ordinance is to license a maximum of two (2) adult use marijuana stores in Bar Harbor, pursuant to the Maine Marijuana Legalization Act.*

*Explanation: This ordinance licenses adult use marijuana stores. It does not allow for cultivation, manufacturing or testing facilities. It allows for up to two adult use marijuana stores*

*in Bar Harbor. Such stores must be operated from a permanent location. Sales may not include the use of vending machines, drive-through/drive-up windows, or delivery services.*

*Adult use marijuana stores cannot be located within 1,000 feet of the property line of a pre-existing public or private school serving children from prekindergarten to grade 12.*

*Two licenses, one from the State of Maine and one from the Bar Harbor Town Council, must be secured in order to operate an adult use marijuana store in the Town of Bar Harbor. The processing fee for the town's license is \$250 and the fee for the town license itself is \$1,250. Applicants who wish to operate an adult use marijuana store must be at least 21 years of age and a resident of the State of Maine. Applicants must divulge if they hold, have held, and/or have had any such licenses or similar licenses denied, suspended, or revoked from any town, city, or state. If a licensed adult use marijuana store is sold, the purchaser would be given preference to obtain a new license and continue operations.*

*Adult use marijuana stores may be open for business only between the hours of 10:00 a.m. and 8:00 p.m. Security measures must include security surveillance cameras and an alarm system. Emergency contact information must be provided to the Bar Harbor Police Department.*

*Any person, including but not limited to, an adult use marijuana store owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.*

**Recommendations:**

*The seven-member Town Council recommends rejection by a vote of 5 to 2.*

*The 15-member Warrant Committee recommends adoption by a vote of 9 to 6.*

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**Enactment of Chapter 8  
ADULT USE MARIJUANA STORE LICENSING**

*The Town of Bar Harbor hereby ordains the enactment of Chapter 8 to the Town Code:*

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**Chapter 8, Adult Use Marijuana Store Licensing**

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**§8-1. Purpose.**

It is the purpose of this chapter to authorize and regulate adult use marijuana stores pursuant to the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1.

Persons or entities wishing to establish an adult use marijuana store within Bar Harbor shall first obtain a license from the Bar Harbor Town Council (hereinafter "the Municipal Officers") and shall be subject to the provisions of this chapter.

**§8-2. Definitions.**

Unless otherwise stated, all terms in this chapter shall be defined as set forth in 28-B M.R.S. § 102.

### **§8-3. License Required.**

No person may establish, operate, or maintain a marijuana store without first obtaining a license from the Municipal Officers pursuant to this chapter.

It is a violation of this chapter for any person to operate an adult use marijuana store within Bar Harbor without a valid adult use marijuana business license issued by the State pursuant to State adult use marijuana laws and regulations.

Pursuant to 28-B M.R.S. § 402, the Town authorizes up to two (2) marijuana stores to be licensed. Cultivation, manufacturing, and testing facilities are not authorized. Whenever a license expires and is not renewed, or the Town declines to renew a license, other license applications may be reviewed, but the two-license cap on marijuana stores shall be maintained.

In the event of the proposed sale of a marijuana store, the prospective purchaser shall be given preference to obtain a new license to replace the seller's license within sixty (60) days prior to the date of the sale. The prospective purchaser shall file an application with fee and provide all the information required in this Chapter. If the application is approved, the Municipal Officers shall specify that the license is contingent on the sale being completed and the Town's receipt of license fees.

All adult use marijuana stores must be operated from permanent locations, which may utilize telephone and internet orders only if the buyer, within twenty-four (24) hours, pays for and picks up such orders in the store.

Adult use marijuana stores may not use vending machines for sales, may not have "drive through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.

### **§8-4. Application Procedure.**

- A. An application for a license must be made on the form provided by the Town. If the applicant who wishes to operate an adult use marijuana store is a single individual, this person must sign the application for a license. If the applicant who wishes to operate an adult use marijuana store is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.
- B. Application and License Fees: All applications must be submitted with a \$250 processing fee. If an application is approved, the licensee will pay a marijuana store license fee of \$1,250 before the Town will issue the license.

C. Submission requirements for an application to establish an adult use marijuana store:

- (1) If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
- (2) If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
- (3) If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- (4) If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- (5) If the applicant intends to operate the adult use marijuana business under a name other than that of the applicant, they must state the business' name and submit the required registration documents.
- (6) If the applicant or a potential employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- (7) If the applicant has had a previous license under this chapter or other similar marijuana business ordinances from another town, city, or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is licensed under this chapter, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation. If the applicant holds any other licenses under this chapter or other similar marijuana business ordinance from another town, city, or state and, if so, the names and locations of such other licensed businesses must also be provided.

- (8) The location of the proposed adult use marijuana store, including a legal description of the property, street address, and telephone number.
- (9) The applicant's mailing address and residential address.
- (10) Recent passport-style photograph(s) of the applicant(s).
- (11) The applicant's driver's license and Social Security numbers.
- (12) A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- (13) A copy of a Town Tax Map depicting the subject property lines and the property lines of any preexisting private or public school within one thousand (1,000) feet of the subject property.
- (14) Some portions of applications for an adult use marijuana store license shall be kept confidential by the Town and used for administrative purposes only due to sensitive information contained therein such as Social Security numbers, etc., as allowed by FOAA (Freedom of Access Act).

**§8-5. Licensing Standards.**

- A. The applicant must be qualified to operate a marijuana store based on the information submitted under section 4(C)(1-7) above.
- B. Adult use marijuana stores may be open for business only between the hours of 10:00 a.m. and 8:00 p.m.
- C. Security measures at all adult use marijuana stores shall include, at a minimum, the following:
  - (1) Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with forty-five (45) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
  - (2) Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
  - (3) Secure containers (with locks) that are suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and

- (4) Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the Bar Harbor Zoning Ordinance; and
- (5) Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks; and
- (6) Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

**§8-6. Right of Access/Background Check/Inspection.**

Every adult use marijuana store shall allow law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this chapter. Every owner and employee of an adult use marijuana business applying for a license shall submit emergency contact information to the Bar Harbor Police Department.

**§8-7. Indemnification.**

By accepting a license issued pursuant to this chapter, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any adult use marijuana store owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a license issued pursuant to this chapter, the licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed adult use marijuana store.

**§8-8. State Law.**

In the event the State of Maine adopts any additional or stricter law or regulation governing adult use marijuana stores, the additional or stricter regulation shall control the establishment or operation of any adult use marijuana store in Bar Harbor.

Compliance with 28-B M.R.S. Chapter 1, State laws and regulations pertaining to medical marijuana, and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with 28-B M.R.S. Chapter 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

**§8-9. Enforcement.**

A. Violations

- (1) Any violation of this chapter, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. § 4452. Each day of violation constitutes a separate offense.
- (2) Commencement of any adult use marijuana business without a Town license for same shall be a violation of this chapter. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the Town can pursue fines and/or penalties under 30-A M.R.S. § 4452.

B. Code Enforcement Officer (CEO)

- (1) If the CEO finds that any provision of this chapter is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
- (2) The CEO shall keep a complete record of all essential transactions of the CEO, including adult use marijuana license applications submitted, licenses granted or denied, revocation actions, revocation of licenses, appeals, court actions, violations investigated, violations found, and fees collected.

C. Law Enforcement Officers.

Law enforcement officers may at any reasonable time conduct on-site inspections to insure compliance with all applicable laws and conditions attached to license approvals, and shall investigate all complaints of alleged violations of the chapter.

D. Legal Actions.

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject adult use marijuana store, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this chapter.

The Municipal Officers, or their authorized agent, are hereby authorized to enter into

administrative consent agreements for the purpose of eliminating violations of this Chapter and recovering fines without court action.

**E. Penalties/Fines.**

Any person, including but not limited to, an adult use marijuana store owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this chapter, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. § 4452.

**ARTICLE 6 – LAND USE ORDINANCE AMENDMENT – Appendix A – Historic Properties – Shall an ordinance, dated August 11, 2022, and entitled “An amendment to Appendix A — Historic Properties in Design Review Overlay District” be enacted?**

*Explanation: This amendment updates dates of construction for eight properties, updates past and/or present names for six properties and corrects the address for one property.*

**Recommendations:**

*The seven-member Planning Board recommends adoption by a vote of 6 to 0 with one abstention. The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.*

**An amendment to Appendix A — Historic Properties in Design Review Overlay 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**

Tax Map/ Lot #	Historic Name	Address	Present Name	Date Built	National Register	Significance
103-012-000	Villa Mary	77 Eden Street	Villa Mary	1879-80	Yes	National Register property
103-015-000	Bagatelle (home & carriage house only)	75 Eden Street	Bagatelle	1883	Yes	National Register property
103-016-000	Fenwold	6 Harbor Lane	Fenwold	1891	Yes	National Register property
104-002-000	The Breezes	125 West Street	The Breezes	<del>e. 1900</del> 1896	Yes	National Register property

104-003-000	Greenlawn	123 West Street	Greenlawn	<del>1884</del> 1887	Yes	National Register property
104-004-000	Saltair	121 West Street	Saltair	1887	Yes	National Register property
104-005-000	The Tides	119 West Street	The Tides	1887	Yes	National Register property
104-007-000	The Sunset	115 West Street	The Sunset	1911	Yes	National Register property
104-009-000	The Bar Harbor Club	111 West Street	The Bar Harbor Club	1929-30	Yes	National Register property
104-009-000	Guelph	111 West Street	Rosebriar	c. 1875	Yes	National Register property
104-032-000	Blanchfield House	37 Eden Street	Blanchfield House	c. 1865		Architectural/historical
104-033-000		41 Eden Street	Caruso Residence	c. 1890		Architectural/historical
104-037-000	The Crossways	4 Holland Avenue	The Crossways	1901	Yes	National Register property
104-038-000	Westfield	120 West Street	Westfield	1901	Yes	National Register property
104-039-000	Maisonette	118 West Street	Maisonette	1886	Yes	National Register property
104-040-000	Chantier	116 West Street	Chantier	1887	Yes	National Register property
104-041-000	The Kedge	112 West Street	The Kedge	c. 1870	Yes	National Register property
104-058-000	Bar Harbor High School	93 Cottage Street	Bar Harbor Municipal Building	1907-08		Architectural/historical
104-061-000	Robert Hodgkins residence	69 Cottage Street	Cottage on Cottage			Architectural
104-068-000	Petunia Cottage	110 West Street	Petunia Cottage	<del>1887</del> 1877	Yes	National Register property
104-069-000	Foster Cottage	108 West Street	Foster Cottage	1878	Yes	National Register property
104-070-000	Boscobel	106 West Street	<del>Manor House Inn</del> Sand Bar Cottage	1887	Yes	National Register property
104-092-000	Dr. Norton's Office	67 Cottage Street	<del>Dr. Parke's Office</del> MDI Dental Arts			Architectural
104-097-000	Thankful Cottage	1 Billings Avenue	Thankful Cottage	c. 1850		Architectural
104-112-000	U.S. Post Office	55 Cottage Street	U.S. Post Office	1909	Yes	National Register property
104-121-000		17 Main Street	Galyn's	c. 1892		Architectural
104-137-000		23 Cottage Street	Cadillac North Face	c. 1900		Possible National Register district
104-139-000		29 Cottage Street	Cadillac AG	c. 1910		Possible National Register district

104-140-000	Criterion Theatre	35 Cottage Street	Criterion Theatre	1932	Yes	National Register property
104-141-000	Odd Fellows Hall	39 Cottage Street	Odd Fellows Hall	c. 1937		Local landmark
104-157-000	Haraden residence	130 Cottage Street	2 Cats	c. 1884		Architectural
104-237-000		73 Mt. Desert Street	Primrose Inn	c. 1878		Architectural
104-238-000	Ash Cottage	69 Mt. Desert Street	Mira Monte Inn	1864		Architectural
104-244-000	H.A. Brown Furniture	74 Cottage Street	Salon NaturELLES			Architectural
104-254-000	Christian Science Church	57 Mt. Desert Street	White Columns Inn	<del>1937</del> <u>1930</u>		Architectural/historical
104-255-000	Stonethrow	67 Mt. Desert Street	Stonethrow	c. 1860		Architectural
104-268-000	American Legion Hall	70 Cottage Street	American Legion Hall	c. 1928		Architectural/historical
104-297-000		47 Mt. Desert Street	Thornhedge Inn	1900		Architectural
104-317-000		<del>45 Mt. Desert Street</del> 39 High Street	Stratford House Inn	1900		Architectural
104-318-000	St. Saviour's Church and Rectory	41 Mt. Desert Street	St. Saviour's Church and Rectory	<del>1900</del> <u>1877-1938</u>	Yes	National Register property
104-326-000	Central House	60 Cottage Street	Central House	1887		Architectural/historical
104-342-000	Bar Harbor Congregational Church	29 Mt. Desert Street	Bar Harbor Congregational Church	1951		Architectural/historical
104-355-000		46 Cottage Street	Rosalie's	c. 1900		Architectural
104-372-000		14 Cottage Street	Pink Pastry Shop	c. 1889		Possible National Register district
104-373-000		8 Cottage Street	<u>Epicurean Merchant &amp; Frye</u>			Architectural
104-383-000	Emery Block Building	103 Main Street	Bar Harbor Savings & Loan Assn.	c. 1900		Architectural
104-386-000	Lyford Woodard Building	109 Main Street	Bar Harbor Law Offices	c. 1887		Architectural/historical
104-387-000	F.H. Moses Florist Shop	113 Main Street	<u>Stone Soup Sand Beach Surf Co.</u>	1904		Architectural
104-392-000	Bar Harbor Police Station	38 Rodick Street	Coston & Mclsaac	c. 1900		Architectural/historical
104-401-000	Comfort Station	Firefly Lane	Information Building			Architectural/historical
104-401-000	Bar Harbor Fire Station	Firefly Lane	Bar Harbor Fire Station	1911		Architectural/historical

104-403-000	Village Green ( <u>bandstand,</u> <u>clock, fountain</u> )	Main and Mt. Desert	<u>Bandstand,</u> <u>clock, fountain</u> Village Green	various		Local landmark
104-413-000		74 Mt. Desert Street	Holbrook House Inn	<u>e. 1890</u> <u>1876</u>		Architectural
104-419-000	Holy Redeemer Roman Catholic Church	56 Mt. Desert Street	Holy Redeemer Roman Catholic Church	1907		Architectural/ historical
104-432-000	Y.W.C.A.	36 Mt. Desert Street	Y.W.C.A.	1913		Local landmark
104-433-000	Jesup Memorial Library	34 Mt. Desert Street	Jesup Memorial Library	1911		Architectural/ historical
104-450-000	YMCA	26 Mt. Desert Street	Abbe Museum	<u>1928</u> <u>1899</u>		Local landmark
104-481- 0091	McKay Cottages	227 Main Street	McKay's Restaurant			Architectural
104-492-000		194 Main Street	Ivy Manor			Architectural
104-493-000		166 Main Street	Window Panes			Architectural
104-497-000	Butterfields	154 Main Street	Sailor & Hook			Architectural/ historical
104-504-000	Pine and Palm (original facade only)	134 Main Street	Acadia Corporation	c. 1883		Architectural/ historical
104-507-000	Sproul's Cafe	128 Main Street	Ward Building	1880	Yes	National Register property
104-509-000	Bee's Candy	116 Main Street	Hemporium	c. 1880		Architectural/ historical
104-510-000	Caleb's	112 Main Street	The Barnacle	c. 1900		Architectural
104-512-000	First National Bank (original building only)	102 Main Street	First National Bank			Architectural/ historical
104-519-000	Grant Building	80 Main Street	Dali's Jewelry	1897		Architectural/ historical
104-523-000	The Mount Desert Reading Room (original reading room only)	8 Newport Drive	Bar Harbor Inn	1887		Architectural/ historical
104-525-000	Morrison Building	62 Main Street	<u>Morrison</u> <u>Building</u> The Stadium	1897		Architectural/ historical
104-528-000	Sherman's Bookstore	56 Main Street	Sherman's Bookstore			Architectural
104-530-000	Agamont Park fountain	3 Newport Drive	Agamont Park fountain			Local landmark
104-531-000	Bar Harbor Banking & Trust	82 Main Street	Bar Harbor Banking & Trust	1887		Architectural/ historical

105-001-000	Bass Cottage	14 The Field	Bass Cottage Inn	1885		Possible National Register district
105-002-000	Ullikana	16 The Field	Ullikana	1885		Possible National Register district
107 219-000	Bangor Hydro Building	18 Edgewood Street	Bangor Hydro Building			Architectural/historical
108-005-000	Edgar Morang Residence	278 Main Street	Project Social	1924		Architectural
108-068-000	Bar Harbor Water Co.	337 Main Street	Anchor Space	<u>1895</u>		Architectural
<b>Signs</b>						
104-0125-000	Geddy's Pub Moose	19 Main Street	Geddy's Pub Moose			Local landmark
104-140-000	Criterion Theatre marquee	35 Cottage Street	Criterion Theatre marquee	1932	Yes	National Register property
104-384-000	West End Drug stained glass	105 Main Street	West End Drug stained glass			Architectural/historical
104-512-000	First National Bank clock sign	102 Main Street	First National Bank clock sign			Architectural/historical
104-531-000	Bar Harbor Banking & Trust awning sign	82 Main Street	Bar Harbor Bank & Trust awning sign	1887		Architectural/historical

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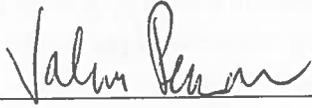
The Registrar of Voters or her designee will be at the Municipal Offices Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for voter registration. Must provide proof of identity and proof of residency.

The last day to request an absentee ballot or to vote early in the presence of the clerk is Thursday, November 3. The polls will be open from 8:00 a.m. to 8:00 p.m. on Tuesday, November 8 for election of the Moderator and referendum balloting. Absentee ballots will be processed on Saturday, November 5 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

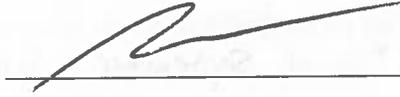
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Given under our hands this twentieth day of September, 2022.

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



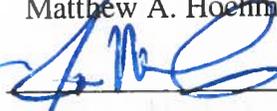
Valerie Peacock, Chair



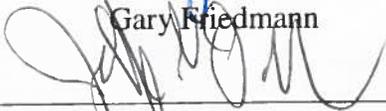
Matthew A. Hochman, Vice Chair



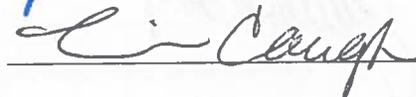
Gary Friedmann



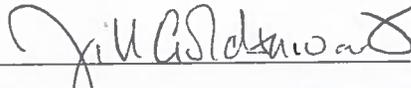
Joseph Minutolo



Jefferson Dobbs



Erin Cough



Jill Goldthwait

Attest:

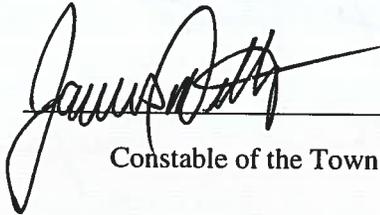
A true copy \_\_\_\_\_

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 28<sup>th</sup> day of September in the year Two Thousand and Twenty-Two.

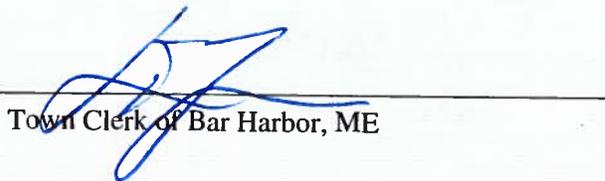
Attest:



Constable of the Town of Bar Harbor

Attest:

A true copy



Town Clerk of Bar Harbor, ME