

**AGENDA**  
**Bar Harbor Town Council**  
**January 20, 2026**

The public can monitor by watching Spectrum channel 7 or 1303 or by live streaming on the town's website, [www.barharmoraine.gov](http://www.barharmoraine.gov).

**I. CALL TO ORDER – 6:30 P.M.**

- A. Excused Absence(s)

**II. READING OF THE MEETING GROUND RULES**

**III. APPROVAL OF MINUTES**

- A. December 16, 2025 Regular Meeting
- B. December 29, 2025 Special Meeting
- C. January 6, 2026 Special Meeting

**IV. ADOPTION OF AGENDA**

**V. PUBLIC COMMENT PERIOD**—The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.

**VI. REPORTS AND UPDATES**

- A. Manager's Comments
- B. Financial Report
- C. Proposed Water Rate Adjustment
- D. Sustainable Tourism Management
- E. Vision Zero Safety Action Plan
- F. Land Use Ordinance Amendments Update
- G. Marine Resources Committee

**VII. LICENSES AND PERMITS**

**VIII. CONSENT AGENDA**—A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:

- A. Order 2, confirm the Manager's annual appointment of statutory officers.
- B. Order 3, authorize acceptance of Maine DOT Small Harbor Improvement Program grant for construction and design of a heavy-duty ADA compliant gangway.
- C. Order 4, authorize the transfer of funds in the Capital Improvement Program for helipad expenses.

**IX. RESOLVES AND ORDERS**

- A. Treasurer's Warrant—Request of Treasurer to authorize paid bills.

**X. ORDINANCES IN FINAL READING, PUBLIC HEARING AND ADOPTION**—None.

**XI. ORDINANCES IN FIRST READING**

- A. Order 5, schedule public hearing on amendment to Chapter 201, Water, to adjust water rate structure and rates.
- B. Order 6, schedule public hearing on amendment to Chapter 194, Food and Beverage, to assist in managing the commercial use of public spaces.

**XII. COUNCIL COMMENTS**

**XIII. EXECUTIVE SESSION**

- A. Executive session with pursuant to 1 MRS §405(6)(D) to discuss ongoing labor contract negotiations.

**XIV. ADJOURNMENT**

**Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact the Town Clerk's office at [clerk@barharbormaine.gov](mailto:clerk@barharbormaine.gov) or 288-4098.**

**Minutes**  
**Bar Harbor Town Council**  
**December 16, 2025**

**I. CALL TO ORDER** – 6:30 P.M.—In attendance were Councilors Steven Boucher (remote), Earl Brechlin, Maya Caines, David Kief, Joe Minutolo, Valerie Peacock (remote), and Randy Sprague; and Town Manager James L. Smith. Vice Chair Caines presided at the meeting.

A. Excused Absence(s)—None.

**II. READING OF THE MEETING GROUND RULES**

**III. APPROVAL OF MINUTES**

A. November 18, 2025 Regular Meeting

B. December 2, 2025 Workshop

Mr. Brechlin, with second by Mr. Sprague, moved to approve the November 18, 2025 meeting minutes and December 2, 2025 workshop meeting record as presented. Roll Call

Vote:

Kief            Y

Boucher       Y

Brechlin      Y

Peacock       Y

Caines         Y

Minutolo      Y

Sprague       Y

Motion passed 7-0.

**IV. ADOPTION OF AGENDA**-- Mr. Brechlin, with second by Mr. Minutolo, moved to approve the agenda as presented. Roll Call Vote:

Kief            Y

Boucher       Y

Brechlin      Y

Peacock       Y

Caines         Y

Minutolo      Y

Sprague       Y

Motion passed 7-0.

**V. PUBLIC COMMENT PERIOD**—*The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.*—Ellen Dohmen spoke about the recent amendment to Chapter 174, the VR1 regulations, asking how someone can claim a primary residence if they never live there. She also said she feels the lodging moratorium is misguided.

**VI. REPORTS AND UPDATES**

A. Manager’s Comments

Mr. Smith said work on the **MDOT Cromwell Harbor Bridge** construction project has been suspended for the winter and will resume in the spring. Work continues on the **Cromwell Harbor Road Water Main Project** that will improve reliability and fire protection and also support the Acadia National Park housing project. The **West Street Wastewater Pump Station Projects** are advancing, upgrades to both the dry weather and wet weather pump stations. These projects are critical to system reliability and overflow reduction. Bidding for the **Up-Island Ireson Hill Water Storage Tank Project** has progressed and staff are coordinating with the utility companies to plan construction. That project will strengthen water pressure and storage capacity up-island.

In response to state requirements, the Town has stopped accepting compost material at the **Public Works Facility compost pile** and has removed existing material. The work is necessary to bring operations back into compliance and will result in changes to how materials are handled going forward as the town seeks a new permit at this location. The Town expects to be able to resume accepting compost in the spring or summer.

Staff have been busy with a formal review of the **water rate structure** and a rate proposal is planned to come before Council next month.

In the Planning Department, an overview of the proposed **Land Use Ordinance amendments** for June and why they are being proposed is on the agenda for this meeting. A resident survey for the **Sustainable Tourism Management Initiative** has closed and had strong participation. Staff are now compiling the results and will release these results once they are complete. Engagement and design work continues for the **Safe Streets for All Program** to improve pedestrian and traffic safety, particularly in high use corridors. This initiative will influence future capital projects and grant applications.

The engineering design work has formally begun for the **Ferry Terminal Redevelopment** and staff are looking forward to bringing this work back to Council at key points to ensure the project remains aligned with the Council's expectations and the adopted Master Plan for the facility.

In the **parking** program, the Town is currently evaluating replacement of the last remaining older model kiosks.

The Town is working closely with the Town Band, who will be spearheading fundraising efforts for work on the **Village Green Bandstand** with a target fundraising goal of \$250,000.

The Town continues to work on developing an alternative proposal for the **Glen Mary pool**. We are expecting a preliminary report and cost estimate in January and intend to review this report first with the VIA, then bring an update to the Council to determine next steps.

## **B. Financial Report**

Finance Director Sarah Gilbert shared highlights of her report for the first five months of the fiscal year. She said that non-tax revenues in the General Fund are at 41.6% of budget, just under the 42% benchmark. Revenue to the General Fund from the Sewer and Water Funds for administrative services will appear in the December reports. Parking Fund revenues are better than expected. The only revenue in the off-season is citation payments.

Expenditures are just under the benchmark. General Government is high, at 45%, due to cost of benefits and the cybersecurity breach in August and September.

Property tax revenue is 58.3% collected, vs. 58.8% for the same period last year. Of the 16 properties that recently were sent pending foreclosure notices, 8 are now paid in full. The rest automatically foreclose at the end of December.

She also mentioned the process for seeking PUC approval of new water rates; staff are working on a timeline of all the require steps.

Mr. Brechlin, with second by Mr. Minutolo, moved to accept the financial report, with thanks. Roll Call Vote:

Kief Y

Boucher Y

Brechlin Y

Peacock Y

Caines Y

Minutolo Y

Sprague Y

Motion passed 7-0.

C. Planning: Land Use Ordinance amendments planned for June 2026

Planning Director Michele Gagnon and staff gave an overview of amendments anticipated for the June ballot. She recommended that anyone interested in more details visit the Planning and Code section of the Town website where drafts and more information are available.

The planned amendments are:

- A property-owner-requested re-zone for Holy Redeemer Church on Mount Desert Street and upper Ledge lawn. The church plans to add additional parking closer to the building’s side entrance to better serve parishioners, and this would exceed the maximum lot coverage in the current district. The abutting Downtown Residential district also permits places of worship and has a higher lot coverage.
- A proposed repeal and replace of Chapter 125, Article 13, Design Review, to improve readability and usability for applicants and be sure standards are presented in a logical format.
- An amendment on Housing Barriers, to remove the minimum area per family requirement in some districts that are served by water and sewer and in the Town’s designated growth area in the Comprehensive Plan, and reduce the minimum in other parts of the growth area not served by water and sewer.
- An amendment to Campground and Campsite regulations to better align definitions with current industry standards, and to add private campsites to additional zoning districts.
- A Transient Lodging amendment in response to the lodging work that has been done in the last year. It aims to clarify and propose new lodging definitions to manage lodging scale and maintain the housing stock.

Ms. Gagnon presented a timeline of the next steps in the process, and noted that only minor changes can be made once the proposals reach the Planning Board and Town Council public hearing stages. She also discussed the format of public hearings, at which

comments are received but it is not a back-and-forth or debate; any responses are usually offered only after the hearing or comment period closes.

**D. School Building Project Update**

Connors Emerson Principal Heather Webster and Superintendent Mike Zboray gave an update on the new building and answered Council questions. Mr. Zboray said that school staff meet twice a month with the building contractors to review progress. The building is now 54% complete and on schedule for student occupancy in November of 2026. The school board is reviewing the calendar to allow for the transition to the new building in that school year.

Initially, the project was expected to be complete in the summer. But the start of the project was significantly delayed to resolve Department of Environmental Protection concerns, and there were costs incurred that first winter to keep the concrete at an appropriate temperature as it was curing. The contingency of just over \$2 million has been used due to that change and value engineering changes made to the design not meeting the target for cost reduction. Tariffs on steel and wood have also been a challenge.

He said the architects and contractors have worked hard to minimize the overruns and have been very responsive. The project is currently \$591,000 over the contingency fund and additional changes are being made. Some state and AOS funds, as well as a tax credit for geothermal energy, may be able to cover portions of the shortfall for particular uses.

**E. Kids' Corner**

Director Lori Krupke spoke about the organization's accomplishments in its 35<sup>th</sup> anniversary year. She said Kids' Corner was able to accept 60% of the families displaced by the closure of the day care center on the Bar Harbor JAX campus earlier this year and the transition was very smooth.

All of the families of current students have at least one parent working in Bar Harbor, 85% live in Bar Harbor, and 30% own small businesses here. Most of the teachers, 80%, commute from off-island.

**VII. LICENSES AND PERMITS**

**A. Special Amusement Permit renewal Class 3ad, Kebo Valley Golf Club**

- 1. Public Hearing—No comments.

**ORDER 2025-12-01, APPROVE NEW SPECIAL AMUSEMENT PERMIT FOR KEBO VALLEY GOLF CLUB**

Filed December 1, 2025

**WHEREAS**, Christine Harding has submitted an application for a new Special Amusement Permit for Kebo Valley Golf Club located at 136 Eagle Lake Rd, pursuant to Chapter 14-3 of the Bar Harbor Code; and

**WHEREAS**, the application is for a Class 3ad, three or more musicians with mechanical amplification and dancing; and

**WHEREAS**, this application is distinct from the one considered and denied by the Town Council on July 15, 2005; the pub is operating under different management and a different liquor license; the current application is for a class of music that only allows indoor amplification; and

**WHEREAS**, the applicant certified that no liquor license or special amusement permit for this business has ever been denied or revoked (except for the above under different management), and that neither the applicant nor any partners or corporate officers of the business have ever been convicted of a felony; and

**WHEREAS**, the application fee was paid; and

**WHEREAS**, notice was given of the December 16, 2025 public hearing through a notice on the Municipal Building Bulletin Board posted on December 5, 2025, notice on the town’s website posted December 5, 2025, a public notice in the December 11, 2025 edition of the Mount Desert Islander newspaper, and a notice to abutting property owners within 300 feet mailed December 5, 2005; and

**WHEREAS**, said public hearing was held on December 16, 2025;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby approves a Class 3ad Special Amusement Permit for Kebo Valley Golf Club for the license year of the applicant’s existing liquor license.

Mr. Brechlin, with second by Mr. Minutolo, moved to waive the reading that that the order have passage. Roll Call Vote:

Kief            Y

Boucher       Y

Brechlin      Y

Peacock       Y

Caines        Y

Minutolo      Y

Sprague       Y

Motion passed 7-0.

**VIII. CONSENT AGENDA**—*A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

ORDER 2025-12-02, AUTHORIZE TOWN MANAGER TO SIGN QUIT CLAIM DEED  
RELEASING THE TOWN’S INTEREST IN 368 STATE HWY 3 IN BAR  
HARBOR

Filed December 1, 2025

**WHEREAS**, the property located at 368 State Hwy 3, Bar Harbor, ME 04609, Parcel 209-114-000, had a real estate lien recorded on June 30, 2022, due to unpaid taxes (recorded at the Hancock County Registry of Deeds book 7215, page 720) which matured and automatically foreclosed on January 13, 2024; and

**WHEREAS**, all past due charges, interest and penalties for said property were paid in full on November 14, 2025; and

**WHEREAS**, as of December 1, 2025, all real estate bills and utility bills for said property are current;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council release the Town’s interest in 368 State Hwy 3 in accordance with the Town council policy on foreclosures and authorize the Town Manager to sign quit claim deed for said property.

**ORDER 2025-12-03, ACCEPT RENEWED EMPLOYMENT AGREEMENT WITH THE TOWN MANAGER**

Filed December 10, 2025

**WHEREAS**, the Town Manager is appointed by the Bar Harbor Town Council under the authority of the Bar Harbor Town Charter and serves at the pleasure of the Council; and

**WHEREAS**, the Council has completed its performance review of the Town Manager and has discussed updated contract language in executive session; and

**WHEREAS**, the Council has agreed to revisions that clarify the provisions governing separation, outline the method for annual increases, and allow the Town Manager to elect participation in MPERS or to continue participation in the Town 401(a) retirement program; and

**WHEREAS**, the Council finds it in the best interest of the Town to renew the contract with these clarified terms;

**NOW THEREFORE BE IT ORDERED** that the Bar Harbor Town Council hereby accepts the renewed employment agreement with the Town Manager on behalf of the Town of Bar Harbor, incorporating the contract updates reviewed and approved by the Council in executive session; and

**BE IT FUTHER ORDERED**, that the renewed agreement shall take effect upon execution and shall remain in force for the duration specified in the contract.

Mr. Brechlin, with second by Mr. Sprague, moved that the consent agenda have passage.

Roll Call Vote:

Kief            Y

Boucher      Y

Brechlin     Y

Peacock      Y

Caines        Y

Minutolo     Abstain

Sprague      Y

Motion passed 6-0 with one abstention.

**IX. RESOLVES AND ORDERS**

**ORDER 2025-12-04, AUTHORIZE ACCEPTANCE OF DONATION OF SEASONAL ICE RINK**

Filed December 10, 2025

**WHEREAS**, the Town-leased Glen Mary Pool facility has historically been used as an ice rink in the winter months; and

**WHEREAS**, the Glen Mary Pool facility is closed and a replacement facility is under design; and

**WHEREAS**, the community is currently without an in-town ice rink for winter recreation; and

**WHEREAS**, the Village Improvement Association (VIA) has approached the Town about the possibility of placing one or more temporary ice rinks on Town property; and

**WHEREAS**, the seasonal setup and removal of the temporary ice rink(s) is expected to be done by volunteers, coordinated by the VIA, the timing of which will be coordinated with the Town; and

**WHEREAS**, the Village Improvement Association wishes to donate the ice rink(s) and associated materials to the Town; and

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby authorizes acceptance of the VIA’s donation of ice rink(s) and associated materials; and

**BE IT FURTHER ORDERED**, that the Town send the Village Improvement Association a letter of thanks and appreciation for this donation to the community.

Public Works Director Bethany Leavitt noted that the Parks & Recreation Committee has voted to recommend to the Council that this project proceed. Mr. Brechlin, with second by Mr. Minutolo, moved to waive the reading that that the order have passage. Roll Call Vote:

Kief            Y

Boucher       Y

Brechlin       Y

Peacock       Y

Caines         Y

Minutolo       Y

Sprague       Y

Motion passed 7-0.

Treasurer’s Warrant—*Request of Treasurer to authorize paid bills.*—Mr. Brechlin, with second by Mr. Minutolo, moved to sign the treasurer’s warrants for paid bills. Roll Call Vote:

Kief            Y

Boucher       Y

Brechlin       Y

Peacock       Y

Caines         Y

Minutolo       Y

Sprague       Y

Motion passed 7-0.

**X.        ORDINANCES IN FINAL READING, PUBLIC HEARING AND ADOPTION—None.**

**XI.       ORDINANCES IN FIRST READING**

ORDER 2025-12-05, SCHEDULE A PUBLIC HEARING ON AMENDMENT AND EXTENSION OF MORATORIUM ORDINANCE ON CERTAIN TRANSIENT ACCOMMODATIONS

Filed December 10, 2025

WHEREAS, the Town of Bar Harbor adopted an Emergency Moratorium Ordinance Regarding Certain Transient Accommodations on November 19, 2024 under emergency ordinance provisions of the Town Charter; the Emergency Moratorium was re-enacted January 7, 2025 and remained in effect through March 7, 2025; and

WHEREAS, a Regular Moratorium Ordinance was adopted February 4, 2025, following a public hearing and under the regular ordinance provisions of the Town Charter; that Moratorium Ordinance was amended and extended July 1, 2025 and remains in effect through January 27, 2026; and

WHEREAS, as described in the recitals below, the Town Council finds that continued temporary restrictions on lodging development are necessary while work on related Land Use Ordinance amendments is being completed;

WHEREAS, a public hearing on December 29, 2025 on the below amendment and extension to the moratorium, and adoption on that date, would allow the extended Moratorium to take effect January 28, 2025, allowing a moratorium to remain in effect without interruption;

NOW THEREFORE, BE IT ORDERED, that a public hearing is now scheduled for December 29, 2025 at 6:30 p.m. for public comment on the below Ordinance Amendment 2025-11.

Moratorium Ordinance on Certain Transient Accommodations

Town of Bar Harbor

2025-11

An Amendment to the Town Code to Amend and Extend the Moratorium Ordinance on Certain Transient Accommodations.

The Town of Bar Harbor hereby ordains that the Moratorium Ordinance on Certain Transient Accommodations is amended and extended, Ordinance Amendment 2025-06 to be replaced by the following:

MUNICIPALITY OF BAR HARBOR

REGULAR MORATORIUM ORDINANCE REGARDING CERTAIN TRANSIENT ACCOMMODATIONS

The TOWN OF BAR HARBOR, MAINE, through its Town Council (“Town”), makes the following findings:

WHEREAS, conversions of year-round housing to other uses continue to reduce available housing, and a portion of these conversions involve lodging uses or parking conversions; and

**WHEREAS**, the encroachment of commercial operations into residential areas poses significant challenges to the stability and character of our community; and

**WHEREAS**, beginning November 19, 2024, the Town enacted a moratorium on Certain Transient Accommodations to allow time to analyze lodging activity, evaluate residential conversions, assess ordinance adequacy, and develop solutions; and

**WHEREAS**, the Planning Board held multiple public meetings and workshops to review available data on lodging activity, residential conversions, neighborhood effects, parking, and infrastructure demands; and

**WHEREAS**, concerns were identified as relating to neighborhood character, the encroachment of commercial uses within residential areas, and the pressure it creates on quality of life, stability and cost of housing; and

**WHEREAS**, specific updates are needed to address residential conversion concerns, neighborhood character and stability, parking, and lodging definitions in order to ensure the proper regulation of these lodging uses; and

**WHEREAS**, additional work remains in order to prepare proposed Land Use Ordinance amendment(s) to be placed on the ballot for the voters to weigh in on these concerns and the proposed solutions; and

**WHEREAS**, during the December 2, 2026, Town Council workshop, councilors confirmed that ordinance amendments are needed to address the existing concerns, that allowing lodging activities to resume before these amendments are considered at Town Meeting in June 2026 would conflict with the Town's regulatory timeline, and that these amendments are expected to be sufficient to address the findings leading to this Moratorium; and

**WHEREAS**, without the changes and clarification to definitions proposed as part of the Land Use Ordinance amendment package, there is no way to ensure that development in any district would meet desired standards; and

**WHEREAS**, the Council finds that continued temporary restrictions on lodging development are necessary while the ordinance work is being completed;

**NOW, THEREFORE**, pursuant to Article III, Section C-15 of the Town Charter and 30-A M.R.S. § 4356, the Town of Bar Harbor hereby ordains that the following Moratorium Ordinance Regarding Certain Transient Accommodations be enacted:

**I. Authority:**

This Moratorium Ordinance is enacted pursuant to Article III, Section C-15 of the Town Charter, 30-A M.R.S. § 4356 and the Town of Bar Harbor's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. §§3001 et seq.

**II. Definitions:**

The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:

“Certain Transient Accommodations” shall be construed to include the following categories:

LODGING I: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING II: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING III: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public.

LODGING IV: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available only for the overnight guests.

LODGING V: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available to the overnight guests and the general public, as well as a conference center.

LODGING VI: An establishment offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

LODGING VII: An establishment, in a building constructed before June 10, 1986, offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

### **III. Purpose:**

The purpose of this Moratorium Ordinance is to allow the Town to:

1. Complete the Planning Board work currently underway concerning lodging definitions, guest room capacity, Lodging I standards, parking requirements, and the identification of appropriate locations for certain lodging uses,
2. Prepare Land Use Ordinance amendments for voter consideration in June 2026,
3. Protect residential stability and neighborhood character while this work is completed, and
4. Avoid development activity that could conflict with, or undermine, the ordinance amendments now in preparation.

### **IV. Moratorium on Applications and Permitting of Certain Transient Accommodations:**

The Town of Bar Harbor hereby declares and imposes a moratorium prohibiting the consideration of applications and permitting of Certain Transient Accommodations as defined in Section II, town-wide, in every district established by Town of Bar Harbor Code, Chapter 125, Article III.

Remodels, renovations, and minor revisions to Certain Transient Accommodations in the above categories, such as replacing fixtures, reconfiguring existing rooms, replacing roofs, or making cosmetic improvements, that do not alter the intensity of use or trigger additional parking, traffic, or infrastructure impacts, are exempt from the moratorium. Intentional demolition of existing structures

or accommodations, or any portion thereof, including the removal of structural elements, exterior walls, or roofing systems, beyond that required for routine maintenance, is not a remodel, renovation, or minor revision.

Enlargement of existing structures and accommodations within the above categories is prohibited.

The Code Enforcement Officer and/or the Planning Board shall not accept, process, review, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving the development of Certain Transient Accommodations in the above categories, subject to the stated exceptions.

Notwithstanding the above, this moratorium shall not prohibit the Code Enforcement Officer from accepting, processing, reviewing, approving, authorizing, or issuing building permit or certificate of occupancy for any use within the above categories that has received a permit from the Code Enforcement Officer or Planning Board as of the effective date of this Moratorium Ordinance.

**V. Severability:**

Any provisions of the Town of Bar Harbor’s existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**VI. Effective Date & Term:**

This Moratorium Ordinance shall take effect 30 days after adoption and shall remain in effect for a period of 180 days, unless extended, repealed, or modified by the Town Council. Following notice and a public hearing, and a determination that a moratorium is still necessary, the Town Council may vote to extend this Moratorium.

**VII. Enforcement:**

The Town Council hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

**VIII. Civil Penalties:**

Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Bar Harbor.

**IX. Application:**

Notwithstanding the provisions of 1 M.R.S. § 302, this Moratorium Ordinance shall, to the maximum extent permitted by law and subject to the severability clause above, apply retroactively to any and all incomplete, filed, pending, or future applications and petitions for Certain Transient Accommodations as defined in this Ordinance that have not received all necessary development permits or licenses from the Town of Bar Harbor as of November 19, 2024.

[End of ordinance]

[End of order]

Mr. Brechlin, with second by Mr. Minutolo, moved to waive the reading and that the order have passage.

Everal Eaton, Eben Salvatore, Carol Chappell, and Teresa Wagner offered comment. Following discussion, Roll Call Vote:

- Kief                    Y
  - Boucher            Y
  - Brechlin            Y
  - Peacock            Y
  - Caines              Y
  - Minutolo           Y
  - Sprague            Y
- Motion passed 7-0.

**XII. COUNCIL COMMENTS**

**Mr. Brechlin** thanked the Planning Department and Planning Board for their work on the proposals for next June. He said that as winter sets in, there are often issues with water running off private property becoming a hazard as it freezes.

**Ms. Peacock** thanked the group and wishes everyone a Happy Holidays.

**Ms. Caines** noted that the public hearing on the moratorium is on a Monday, which is unusual, December 29.

**Mr. Minutolo** wished everyone a Happy New Year.

**XIII. EXECUTIVE SESSION**

- A.** Community Service Partnerships—*Pursuant to 1 MRS §405(6)(C) for discussion of Town interests and options to provide direction to the Town Manager regarding proposed Memoranda of Understanding, where premature public discussion could disadvantage the Town.*

Mr. Boucher disclosed that he serves on the Board of Directors of the MDI YMCA, one of the organizations whose MOU agreements with the Town will be discussed.

Mr. Brechlin, with second by Mr. Minutolo, moved to enter executive session under 1 MRS §405(6)(C) for discussion of Town interests and options to provide direction to the Town Manager regarding proposed Memoranda of Understanding, where premature public discussion could disadvantage the Town. Roll Call Vote:

- Kief                    Y
  - Boucher            Y
  - Brechlin            Y
  - Peacock            Y
  - Caines              Y
  - Minutolo           Y
  - Sprague            Y
- Motion passed 7-0.

Mr. Smith participated in the executive session. Council returned to regular session at 8:30; Mr. Boucher and Ms. Peacock did not return to the regular session.

**XIV. ADJOURNMENT**— Mr. Brechlin, with second by Mr. Minutolo, moved to adjourn at 8:30 p.m. Roll Call Vote:

<u>Kief</u>	<u>Y</u>
<u>Boucher</u>	<u>Abstention</u>
<u>Brechlin</u>	<u>Y</u>
<u>Peacock</u>	<u>Abstention</u>
<u>Caines</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Sprague</u>	<u>Y</u>

Motion passed 5-0 with two abstentions; Mr. Boucher and Ms. Peacock had left the meeting.

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Elizabeth N. Graves, Town Clerk



**Minutes**  
**Bar Harbor Town Council Special Meeting**  
**December 29, 2025**

**I. CALL TO ORDER** – 6:30 P.M.—In attendance were Councilors Steven Boucher (remote), Earl Brechlin, Maya Caines, David Kief, Joe Minutolo (remote), Valerie Peacock (remote), and Randy Sprague; and Town Manager James L. Smith. Vice Chair Caines presided at the meeting.

A. Excused Absence(s)—None.

**II. READING OF THE MEETING GROUND RULES**

**III. ADOPTION OF AGENDA**—Mr. Brechlin, with second by Mr. Sprague, moved to approve the agenda as presented. Roll Call Vote:

Kief                    Y

Boucher            Y

Brechlin           Y

Peacock           Y

Caines             Y

Minutolo          Y

Sprague           Y

Motion passed 7-0.

**V. ORDINANCES IN FINAL READING, PUBLIC HEARING AND ADOPTION**

A. Amendment and extension of Moratorium Ordinance on Certain Transient Accommodations

**Public Hearing:** Ms. Caines asked the Clerk if any written communications had been received concerning this item. The Town had received 40 email communications as of 5:00 p.m. December 29, from Elizabeth Bunker, Adele Abolafia, Christopher Kemna, Merrill Rush, Bo Jennings, Catrina Spruce, Roberta Sharp, Lisa and Charles Bradley, Angela Chamberlain, Bob Chaplin, Mary Galperin, Peter Scott, Paula Moody, Debbie Parsons, Doris Plumer, Katherine Wasserman, Sam Dunlap, Maroulla Gleaton, Bill and Cookie Horner, Jim Mahoney, Charles Sidman, Tammy Bloom, Erica Brooks, Rick Osann, Terry Wagner, Ellen Grover, Nicole Richardson, Elissa Chesler, John Cochran, Dessa Dancy and Jake Jagel, David Rapkievian, Cara Ryan, Christopher Walsh, Ed Damm, Anne Damm, Guy Dunphey, Jolene and Patrick Fogarty, Sargent Collier, Liz Sherblom, and John Pottle.

Mr. Brechlin, with second by Mr. Sprague, moved that the written communications received by the Town related to this public hearing be acknowledged and placed on file. Roll Call Vote:

Kief                    Y

Boucher            Y

Brechlin           Y

Peacock           Y

Caines             Y

Minutolo        Y  
Sprague        Y  
Motion passed 7-0.

Eben Salvatore, Jake Jagel, Ruth Eveland, Everal Eaton, Ed Damm, Tanya Ivanow, Gary Friedmann, Kevin Knopp, Diane Vreeland, Bo Jennings, Ellen Grover, Loren Hubbard, Tom St. Germain, Michael Boland, Sharon Knopp, Mary Galperin, Lynn Jebbia, Bill Shaw, Jonathan Pottle and Charles Sidman offered comments.

ORDER 2025-12-06, ADOPT AMENDMENT TO AND EXTENSION OF MORATORIUM  
ORDINANCE ON CERTAIN TRANSIENT ACCOMMODATIONS

Filed December 23, 2025

**WHEREAS**, the Town of Bar Harbor adopted an Emergency Moratorium Ordinance Regarding Certain Transient Accommodations on November 19, 2024 under emergency ordinance provisions of the Town Charter; the Emergency Moratorium was re-enacted January 7, 2025 and remained in effect through March 7, 2025; and

**WHEREAS**, a Regular Moratorium Ordinance was adopted February 4, 2025, following a public hearing and under the regular ordinance provisions of the Town Charter; that Moratorium Ordinance was amended and extended July 1, 2025 and remains in effect through January 27, 2026; and

**WHEREAS**, as described in the proposed ordinance below, the Town Council finds that continued temporary restrictions on lodging development are necessary while work on related Land Use Ordinance amendments is being completed;

**WHEREAS**, a public hearing on December 29, 2025 on the below amendment and extension to the moratorium, and adoption on that date, would allow the extended Moratorium to take effect January 28, 2025, allowing a moratorium to remain in effect without interruption;

**WHEREAS**, on December 16, 2025, the Town Council held a first reading of the proposed amendment and extension and scheduled a public hearing for December 29, 2025, at 6:30 p.m. for public comment; and

**WHEREAS**, the Town Council informed residents of the December 29, 2025 public hearing through a public notice in the December 20, 2025 edition of the Bangor Daily News; a notice on the Municipal Building Bulletin Board and on the town’s website posted December 21, 2025; and a public notice in the December 25, 2025 edition of the Mount Desert Islander newspaper; and

**WHEREAS**, said public hearing was held on December 29, 2025, and

**NOW THEREFORE, BE IT ORDERED**, that that the Bar Harbor Town Council hereby adopts the below Ordinance Amendment 2025-11, “An Amendment to the Town Code to Amend and Extend the Moratorium Ordinance on Certain Transient Accommodations.”

**Moratorium Ordinance on Certain Transient Accommodations**  
Town of Bar Harbor  
2025-11

**An Amendment to the Town Code to Amend and Extend the Moratorium Ordinance on Certain Transient Accommodations.**

*The Town of Bar Harbor hereby ordains that the Moratorium Ordinance on Certain Transient Accommodations is amended and extended, Ordinance Amendment 2025-06 to be replaced by the following:*

**MUNICIPALITY OF BAR HARBOR**

**REGULAR MORATORIUM ORDINANCE REGARDING CERTAIN TRANSIENT ACCOMMODATIONS**

The TOWN OF BAR HARBOR, MAINE, through its Town Council (“Town”), makes the following findings:

**WHEREAS**, conversions of year-round housing to other uses continue to reduce available housing, and a portion of these conversions involve lodging uses or parking conversions; and

**WHEREAS**, the encroachment of commercial operations into residential areas poses significant challenges to the stability and character of our community; and

**WHEREAS**, beginning November 19, 2024, the Town enacted a moratorium on Certain Transient Accommodations to allow time to analyze lodging activity, evaluate residential conversions, assess ordinance adequacy, and develop solutions; and

**WHEREAS**, the Planning Board held multiple public meetings and workshops to review available data on lodging activity, residential conversions, neighborhood effects, parking, and infrastructure demands; and

**WHEREAS**, concerns were identified as relating to neighborhood character, the encroachment of commercial uses within residential areas, and the pressure it creates on quality of life, stability and cost of housing; and

**WHEREAS**, specific updates are needed to address residential conversion concerns, neighborhood character and stability, parking, and lodging definitions in order to ensure the proper regulation of these lodging uses; and

**WHEREAS**, additional work remains in order to prepare proposed Land Use Ordinance amendment(s) to be placed on the ballot for the voters to weigh in on these concerns and the proposed solutions; and

**WHEREAS**, during the December 2, 2026, Town Council workshop, councilors confirmed that ordinance amendments are needed to address the existing concerns, that allowing lodging activities to resume before these amendments are considered at Town Meeting in June 2026 would conflict with the Town’s regulatory timeline, and that these amendments are expected to be sufficient to address the findings leading to this Moratorium; and

**WHEREAS**, without the changes and clarification to definitions proposed as part of the Land Use Ordinance amendment package, there is no way to ensure that development in any district would meet desired standards; and

**WHEREAS**, the Council finds that continued temporary restrictions on lodging development are necessary while the ordinance work is being completed;

**NOW, THEREFORE**, pursuant to Article III, Section C-15 of the Town Charter and 30-A M.R.S. § 4356, the Town of Bar Harbor hereby ordains that the following Moratorium Ordinance Regarding Certain Transient Accommodations be enacted:

**I. Authority:**

This Moratorium Ordinance is enacted pursuant to Article III, Section C-15 of the Town Charter, 30-A M.R.S. § 4356 and the Town of Bar Harbor’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. §§3001 et seq.

**II. Definitions:**

The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:

“Certain Transient Accommodations” shall be construed to include the following categories:

LODGING I: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING II: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING III: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public.

LODGING IV: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available only for the overnight guests.

LODGING V: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available to the overnight guests and the general public, as well as a conference center.

LODGING VI: An establishment offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

LODGING VII: An establishment, in a building constructed before June 10, 1986, offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

**III. Purpose:**

The purpose of this Moratorium Ordinance is to allow the Town to:

1. Complete the Planning Board work currently underway concerning lodging definitions, guest room capacity, Lodging I standards, parking requirements, and the identification of appropriate locations for certain lodging uses,
2. Prepare Land Use Ordinance amendments for voter consideration in June 2026,
3. Protect residential stability and neighborhood character while this work is completed, and
4. Avoid development activity that could conflict with, or undermine, the ordinance amendments now in preparation.

**IV. Moratorium on Applications and Permitting of Certain Transient Accommodations:**

The Town of Bar Harbor hereby declares and imposes a moratorium prohibiting the consideration of applications and permitting of Certain Transient Accommodations as defined in Section II, town-wide, in every district established by Town of Bar Harbor Code, Chapter 125, Article III.

Remodels, renovations, and minor revisions to Certain Transient Accommodations in the above categories, such as replacing fixtures, reconfiguring existing rooms, replacing roofs, or making cosmetic improvements, that do not alter the intensity of use or trigger additional parking, traffic, or infrastructure impacts, are exempt from the moratorium. Intentional demolition of existing structures or accommodations, or any portion thereof, including the removal of structural elements, exterior walls, or roofing systems, beyond that required for routine maintenance, is not a remodel, renovation, or minor revision.

Enlargement of existing structures and accommodations within the above categories is prohibited.

The Code Enforcement Officer and/or the Planning Board shall not accept, process, review, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving the development of Certain Transient Accommodations in the above categories, subject to the stated exceptions.

Notwithstanding the above, this moratorium shall not prohibit the Code Enforcement Officer from accepting, processing, reviewing, approving, authorizing, or issuing building permit or certificate of occupancy for any use within the above categories that has received a permit from the Code Enforcement Officer or Planning Board as of the effective date of this Moratorium Ordinance.

**V. Severability:**

Any provisions of the Town of Bar Harbor’s existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**VI. Effective Date & Term:**

This Moratorium Ordinance shall take effect 30 days after adoption and shall remain in effect for a period of 180 days, unless extended, repealed, or modified by the Town Council. Following notice and a public hearing, and a determination that a moratorium is still necessary, the Town Council may vote to extend this Moratorium.

**VII. Enforcement:**

The Town Council hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

**VIII. Civil Penalties:**

Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Bar Harbor.

**IX. Application:**

Notwithstanding the provisions of 1 M.R.S. § 302, this Moratorium Ordinance shall, to the maximum extent permitted by law and subject to the severability clause above, apply retroactively to any and all incomplete, filed, pending, or future applications and petitions for Certain Transient Accommodations as defined in this Ordinance that have not received all necessary development permits or licenses from the Town of Bar Harbor as of November 19, 2024.

[End of ordinance]

[End of order]

Following discussion, Mr. Brechlin, with second by Mr. Sprague, moved to waive the reading and that the order have passage. Roll Call Vote:

Kief            Y

Boucher       N

Brechlin      Y

Peacock       N

Caines        Y

Minutolo      Y

Sprague       Y

Motion passed 5-2.

**VI. COUNCIL COMMENTS**

**Mr. Kief** wished everyone a Happy New Year.

**Ms. Peacock** thanked staff who worked through the Christmas holiday to plow during the snowstorm and to repair a water main break downtown.

**Mr. Boucher** added that he too appreciates all the effort put in to get the town back on course again when something like the water main break happens.

**Ms. Caines** said that while it's understandable to be frustrated with people who disagree with you, there's an ongoing pattern in this community of pointing fingers and naming names that is not productive and creates rifts. She said there are people who disparage business owners who live here who have kids who attend the schools and give back generously to the community, and there are people who trash seniors who raised their kids here and are watching their neighborhoods change in drastic ways and are concerned. Everyone is trying to do the best they can with the hand they're dealt and the community can't sustain itself if we keep going at each other. She urged everyone to work to understand each other's viewpoints and treat each other with more kindness and respect.

**VII. ADJOURNMENT**—Mr. Brechlin, with second by Mr. Sprague, moved to adjourn at 7:45 p.m. Roll Call Vote:

Kief            Y

Boucher       Y

Brechlin       Y

Peacock       Y

Caines        Y

Minutolo       Y

Sprague        Y

Motion passed 7-0.

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Elizabeth N. Graves, Town Clerk



**Minutes**  
**Bar Harbor Town Council Special Meeting**  
**January 6, 2026**

- I. CALL TO ORDER** – 6:30 P.M.—In attendance were Councilors Steven Boucher, Earl Brechlin, Maya Caines, David Kief, Valerie Peacock, and Randy Sprague; and Town Manager James L. Smith.

Vice Chair Caines called the meeting to order and requested a 15-minute recess as Chair Peacock was delayed due to weather. The meeting resumed at 6:44 p.m. with Chair Peacock presiding.

- A. Excused Absence(s)**—Ms. Caines, with second by Mr. Brechlin, moved to excuse Mr. Minutolo. Roll Call Vote:

Kief                    Y

Boucher                Y

Brechlin                Y

Peacock                Y

Caines                 Y

Sprague                Y

Motion passed 6-0.

- II. READING OF THE MEETING GROUND RULES**

- III. APPROVAL OF MINUTES**—None.

- IV. ADOPTION OF AGENDA**—Ms. Caines, with second by Mr. Brechlin, moved to approve the agenda as presented. Roll Call Vote:

Kief                    Y

Boucher                Y

Brechlin                Y

Peacock                Y

Caines                 Y

Sprague                Y

Motion passed 6-0.

- V. REPORTS AND UPDATES**

- A. Water Rate Case Study**

Public Works Director Bethany Leavitt, Finance Director Sarah Gilbert, and consultant Annaleis Hafford of Olver Associates presented the results of the rate case study. They said water rates are regulated by the Public Utilities Commission, which requires a certain procedure including notice to customers and a public hearing, followed by a final filing of the request.

Ms. Leavitt said the proposed rates fund the adopted budget, which requires revenues about \$1M in excess of what is projected to be raised under current rates. She said it is long overdue; the last rate adjustment was in 2016. Mr. Smith noted that if there had been annual adjustments over those 10 years, it would be about a 3.5% annual increase, which is less than inflation.

Ms. Leavitt gave an overview of the rate structure, which includes minimum quarterly amounts based on meter size. Seasonal customers have a higher rate, since that system requires more maintenance. There are rate tiers based on consumption—lower cost per cubic foot used for higher-volume users. This rate proposal would reduce the number of tiers, moving toward a consumption-based system and increasing rates more for higher users. Rates are proposed to increase 35% for all meter sizes.

The order on the Council’s agenda for this meeting is to schedule that public hearing. Ms. Hafford will give a presentation at the public hearing meeting and take notes on comments received, which are filed as part of the final rate case filing following the hearing. The goal is to have the new rates take effect April 1.

**VI. RESOLVES AND ORDERS**

- A. Order 2026-01-01, schedule public hearing for water user rate increase. Ms. Caines, with second by Mr. Brechlin, moved to waive the reading and that the order have passage. Roll Call Vote:

Kief                    Y  
Boucher            Y  
Brechlin            Y  
Peacock            Y  
Caines              Y  
Sprague            Y  
Motion passed 6-0.

**VII. COUNCIL COMMENTS**

**Mr. Brechlin** spoke about the recent resignation of Millard Dority from the Planning Board. He thanked Mr. Dority for his time and his service. He said he’s sorry that the Town, boards and committees, and staff are sometimes put in a difficult position, but it’s not of the Council’s doing—they have to react to the times and the needs of the community. He thanked everyone who serves on boards and committees.

**Ms. Peacock** asked about plans for the national 250<sup>th</sup> anniversary celebration this year. Mr. Smith said staff is investigating some options. She also said her family has enjoyed using the new temporary skating rink and she thanked the volunteers and donors who made it happen.

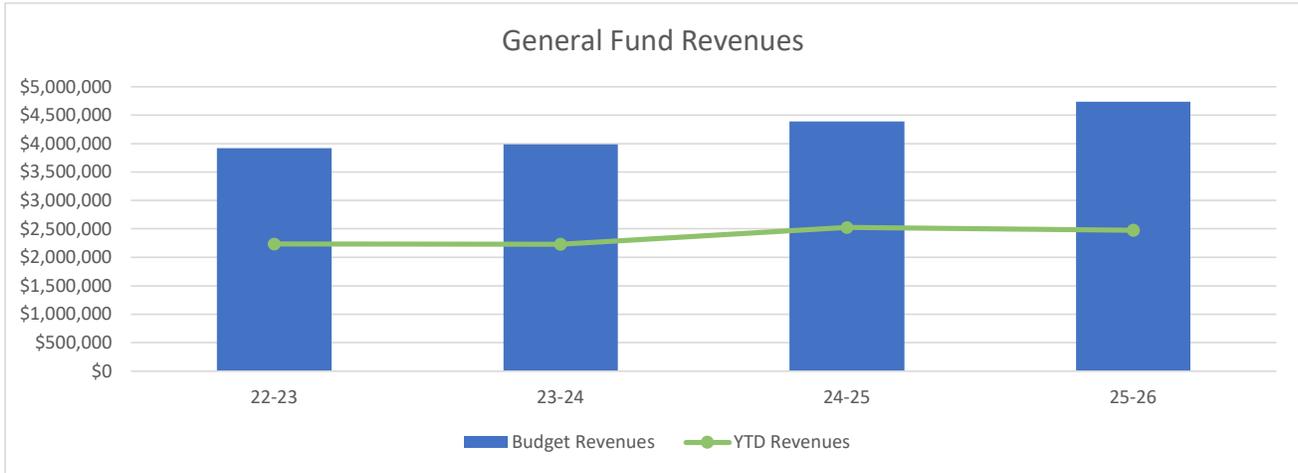
- VIII. ADJOURNMENT**—Mr. Brechlin, with second by Mr. Sprague, moved to adjourn at 7:27 p.m. Roll Call Vote:

Kief                    Y  
Boucher            Y  
Brechlin            Y  
Peacock            Y  
Caines              Y  
Sprague            Y  
Motion passed 6-0.



**General Fund Total Operating Revenue - non tax**

As of 12/31/2025



Fiscal Year	Budget Revenues	YTD Revenues	% Actual vs Budget
22-23	3,920,172	2,236,489	57.1%
23-24	3,986,238	2,232,345	56.0%
24-25	4,387,610	2,524,693	57.5%
25-26	4,734,057	2,478,469	52.4%

Year to Date Performance Status

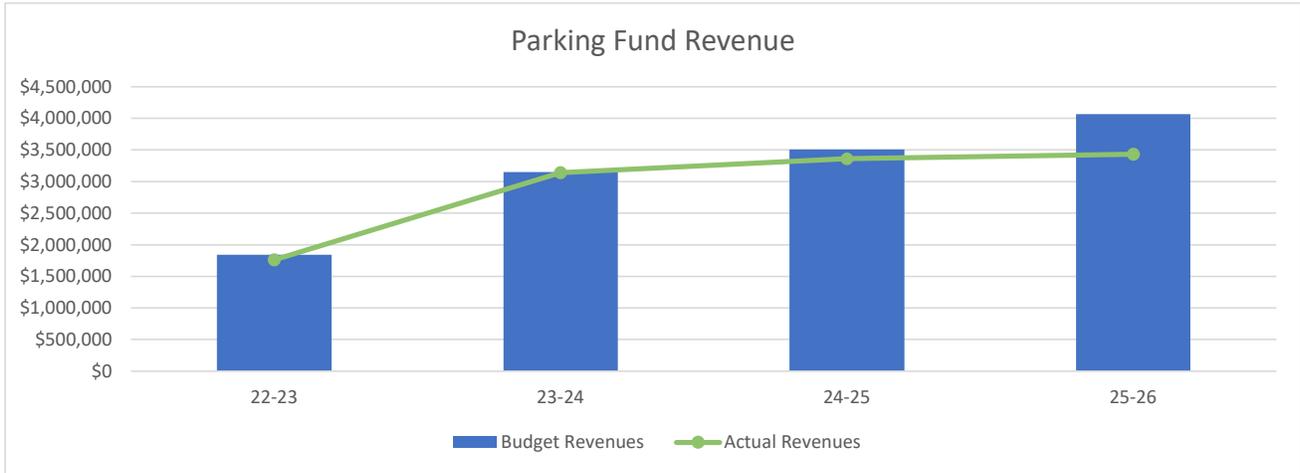
Benchmark 50%

As Expected/Monitor

Refer Financial Audit Exhibit A-1

**Parking Fund Total Revenue**

As of 12/31/2025



Fiscal Year	Budget Revenues	Actual Revenues	% Actual to Budget
22-23	1,839,500	1,762,284	95.8%
23-24	3,149,600	3,140,959	99.7%
24-25	3,506,200	3,360,184	95.8%
25-26	4,066,900	3,431,216	84.4%

Above figures are net of fees

Year to Date Performance Status

Better than Expected

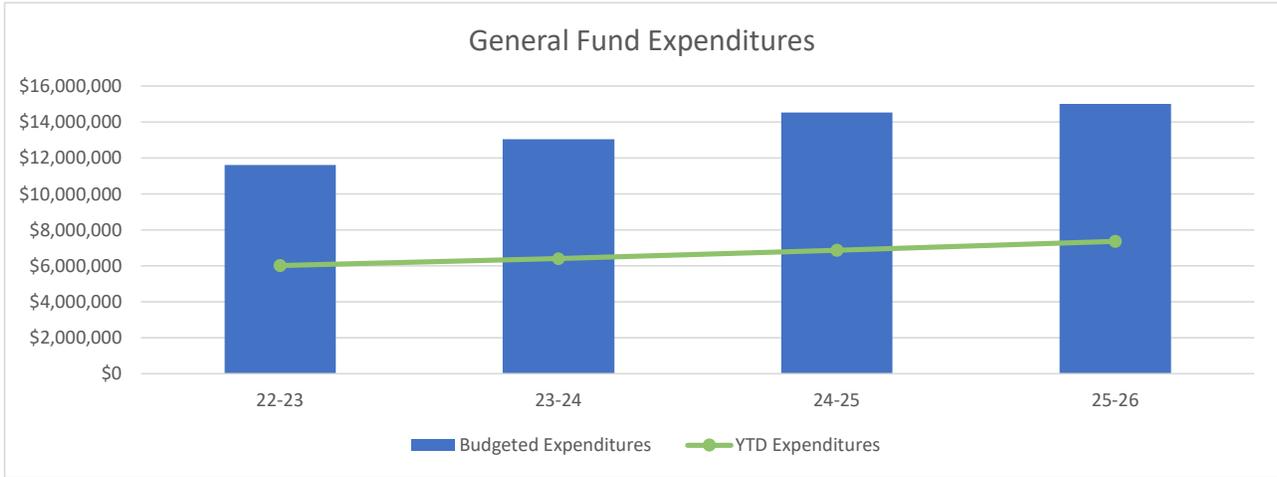
Benchmark 73%

4/5.5 months

Refer Financial Audit Exhibit A-8

**General Fund Total Operating Expenditures**

As of 12/31/2025



Fiscal Year	Budgeted Expenditures	YTD Expenditures	% Spent of Budget	Benchmark
22-23	11,616,245	6,028,917	51.9%	50%
23-24	13,044,408	6,405,627	49.1%	
24-25	14,537,245	6,883,117	47.3%	
25-26	15,020,378	7,372,014	49.1%	

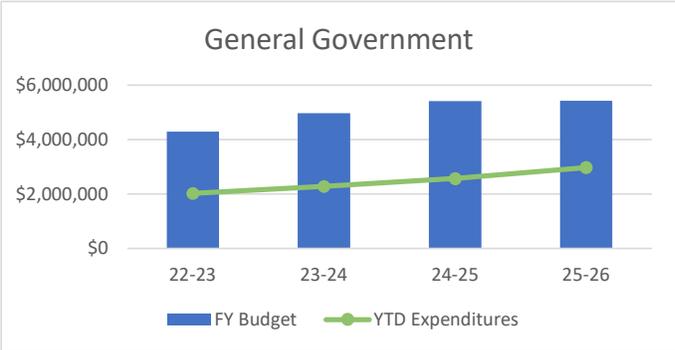
Year to Date Performance Status

Expected

Refer Financial Audit Exhibit A-2

**General Government**

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	4,282,855	2,017,601	47.1%
23-24	4,976,226	2,283,133	45.9%
24-25	5,405,797	2,567,264	47.5%
25-26	5,433,155	2,970,368	54.7%



Year to Date Performance Status

Expected/monitor

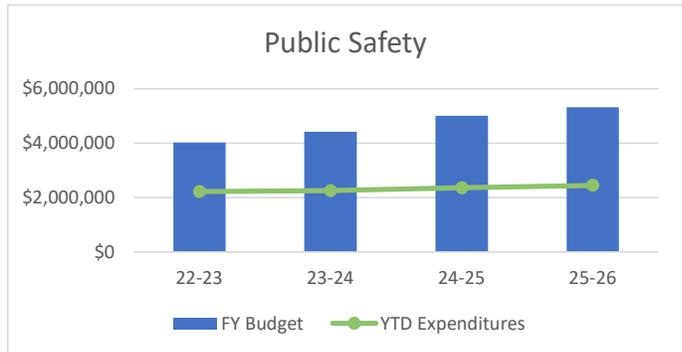
**Public Safety**



### General Fund Total Operating Expenditures

As of 12/31/2025

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	4,019,336	2,223,577	55.3%
23-24	4,421,907	2,256,394	51.0%
24-25	5,006,147	2,358,974	47.1%
25-26	5,322,103	2,447,419	46.0%

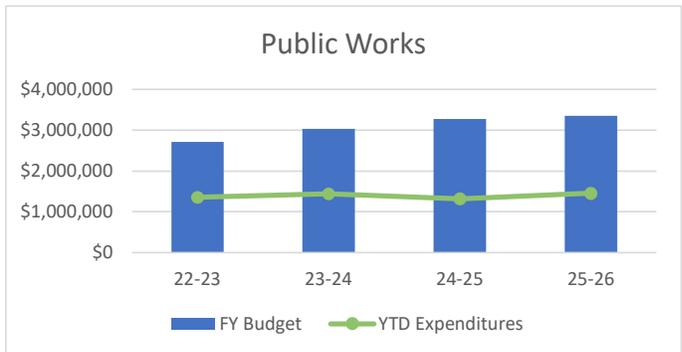


Year to Date Performance Status

Expected

### Public Works

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	2,711,718	1,355,712	50.0%
23-24	3,034,771	1,442,001	47.5%
24-25	3,280,378	1,320,557	40.3%
25-26	3,360,155	1,453,936	43.3%

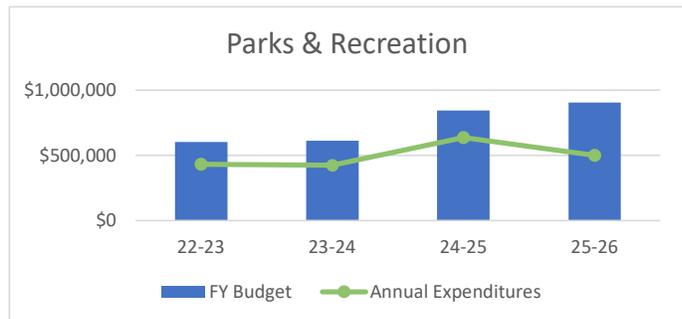


Year to Date Performance Status

Expected

### Parks & Recreation

Fiscal Year	FY Budget	Annual Expenditures	% Spent of Budget
22-23	602,336	432,027	71.7%
23-24	611,504	424,099	69.4%
24-25	844,923	636,322	75.3%
25-26	904,965	500,291	55.3%



Year to Date Performance Status

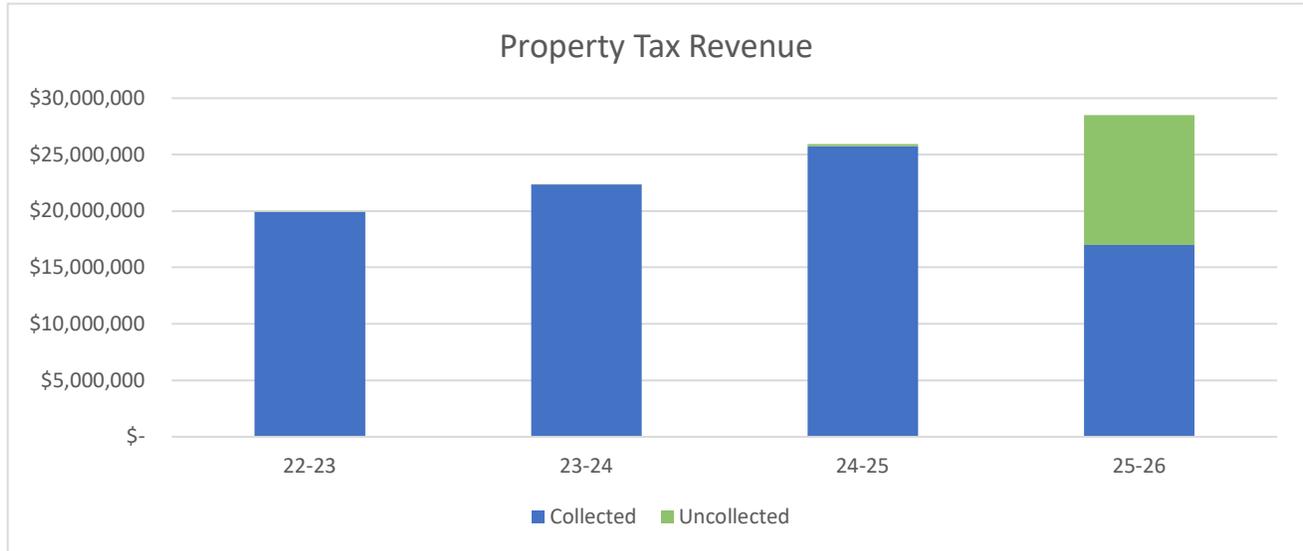
Expected

Payments include Jesup, YMCA, BHCC, BH Band



## Property Tax Revenue

As of 12/31/2025



Tax Year	Collected	Uncollected	Total	% Collected
22-23	\$ 19,904,139	\$ 6,175	\$ 19,910,314	100.0%
23-24	\$ 22,358,106	\$ 18,951	\$ 22,377,057	99.9%
24-25	\$ 25,741,942	\$ 210,345	\$ 25,952,287	99.2%
25-26	\$ 16,983,019	\$ 11,531,605	\$ 28,514,624	59.6% 57.5% in FY25

### Year to Date Performance Status

Better than Expected



## Other Revenue

As of 12/31/2025

Fiscal Year	Excise Tax	Building Permits	# of Permits
22-23	\$632,435	\$156,183	152
23-24	\$617,868	\$151,417	166
24-25	\$675,515	\$187,537	145
25-26	\$713,498	\$105,809	144

### Year to Date Performance Status

Expected/Less than Expected



**Water and Wastewater Operating Budgets**  
As of 12/31/2025

**Water**

**Revenue** 2 quarters recorded

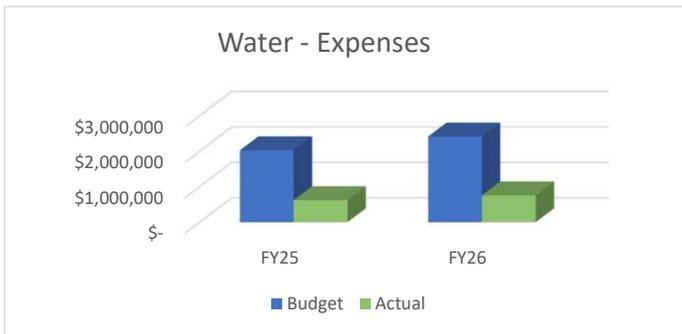
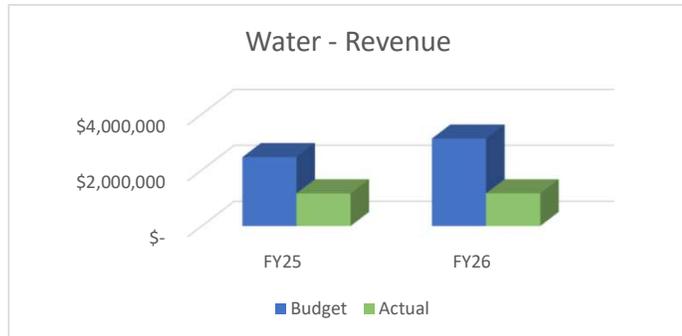
	Budget	Actual
FY25	\$ 2,459,890	\$ 1,165,377
FY26	\$ 3,126,435	\$ 1,167,022

**Expenditures**

	Budget	Actual
FY25	\$ 2,027,409	\$ 621,747
FY26	\$ 2,418,343	\$ 756,499

Accounts Receivable \$ (8,423)

Expected



**Wastewater**

**Revenue** 1 quarter recorded

	Budget	Actual
FY25	\$ 3,187,400	\$ 1,073,421
FY26	\$ 3,705,892	\$ 1,471,327

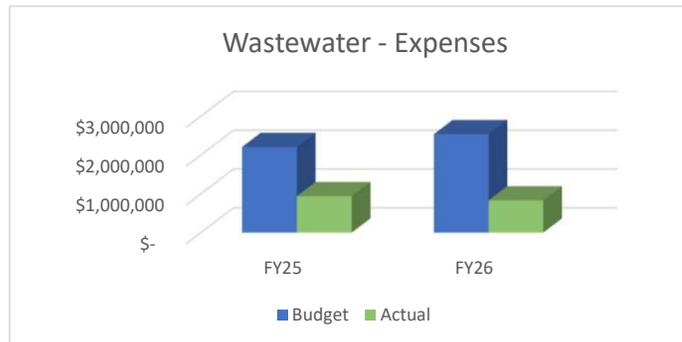
**Expenditures**

	Budget	Actual
FY25	\$ 2,206,526	\$ 940,644
FY26	\$ 2,538,447	\$ 832,305

Accounts Receivable \$31,590

Year to Date Performance Status

Expected



General Fund - Revenues

Town of Bar Harbor  
YTD December 31, 2025

50% - 6 Months

<u>Department</u>	<u>Budget FY'26 12 Months</u>	<u>Actual FY'26 6 Months</u>	<u>Un Audited FY'25 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 100% Goal</u>	<u>Variances From Budget Goal Comments</u>
Town Clerk Fees	\$ 33,760	\$ 21,215	\$ 42,087	4,335	63%	
Finance Department	\$ 380,574	\$ 189,856	\$ 338,637	(431)	50%	
Municipal Building Rents	\$ 24,000	\$ 13,214	\$ 31,521	1,214	55%	
Code Enforcement Permits	\$ 499,350	\$ 166,195	\$ 624,303	(83,480)	33%	
Planning Fees	\$ 23,700	\$ 3,714	\$ 30,616	(8,136)	16%	
Ambulance/Fire Fees	\$ 374,961	\$ 207,225	\$ 369,167	19,745	55%	
Police/Dispatch Department	\$ 508,462	\$ 153,304	\$ 495,917	(100,927)	30%	Timing of mutual aid billing
Harbor Department	\$ 118,490	\$ 105,206	\$ 137,000	45,961	89%	Timing
Parks & Recreation	\$ 900	\$ 210	\$ 1,080	(240)	23%	
Highway Division	\$ 11,010	\$ 10,230	\$ 11,428	4,725	93%	Salt & Sand sales
Solid Waste-Recycling	\$ 14,820	\$ 7,488	\$ 7,919	78	51%	sale of Recyclables
<b>Departmental</b>	<b>\$ 1,990,027</b>	<b>\$ 877,857</b>	<b>\$ 2,089,675</b>	<b>(117,157)</b>	<b>44%</b>	
P.I.L.O.T.'s	\$ 180,017	\$ 153,637	\$ 213,792	63,629	85%	Nature Conservancy, COA, JAX
Interest Income	\$ 95,000	\$ 71,913	\$ 298,099	24,413	76%	
Misc, Cable Franch., other	\$ 265,433	\$ 71,203	\$ 118,903	(61,514)	27%	Decr cable franchise revenue
Excise & Other Taxes	\$ 1,333,500	\$ 736,184	\$ 1,448,515	69,434	55%	
Intergovernmental	\$ 870,080	\$ 567,675	\$ 832,518	132,635	65%	\$300,421 Rev Share
<b>Revenues-Subtotal</b>	<b>\$ 4,734,057</b>	<b>\$ 2,478,469</b>	<b>\$ 5,001,502</b>	<b>111,441</b>	<b>52%</b>	
Property Taxes	\$ 28,514,243	\$ 28,514,624	\$ 25,971,530	14,257,503	100%	
Transfers In-CS & Other Funds	\$ 1,646,432	\$ 1,646,432	\$ 772,739	823,216	100%	
Fund Balance Used		\$ -	\$ -			
<b>Grand Total-General Fund</b>	<b>\$ 34,894,732</b>	<b>\$ 32,639,525</b>	<b>\$ 31,745,771</b>		93.5%	
<b>Wastewater Revenues</b>	\$ 3,705,892	\$ 1,471,327	\$ 3,166,779		40%	1st billing is Oct 1st
<b>Water Revenues</b>	\$ 3,126,435	\$ 1,167,022	\$ 2,416,843		37%	2 Qtrs billed
<b>CIP Fund Rev's/Transfers</b>	\$ 1,386,252	\$ 599,664	\$ 1,249,722		43%	Maine Road Asst Program
<b>Cruise Ship Fund Rev's</b>	\$ 367,073	\$ 281,742	\$ 603,023		77%	
<b>Parking Fund</b>	\$ 4,066,900	\$ 3,431,216	\$ 4,188,859		84%	Includes fees, permits and violations



**Town of Bar Harbor**  
**Expenses - Period Ending**  
**12/31/25**

14-Jan-26

50% of Year Completed

General Fund	Dept	50% of Year Completed					Comments on variances
		A FY '26 Annual Adj'd Budget	B FY '26 6 Months	C FY '25 12 Months PreAudit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	
Town Council	10	\$ 25,900	\$ 1,537	\$ 44,068	11,413	5.9%	
Town Manager	12	\$ 183,359	\$ 90,557	\$ 168,360	1,123	49.4%	
Town Clerk	14	\$ 165,974	\$ 86,990	\$ 161,507	(4,003)	52.4%	
Finance Dept.	16	\$ 581,870	\$ 318,306	\$ 479,010	(27,371)	54.7%	Computer Lic & Support timing
Town Attorney	18	\$ 237,750	\$ 107,925	\$ 474,465	10,950	45.4%	Timing of invoices
Elections	20	\$ 20,400	\$ 4,984	\$ 21,070	5,216	24.4%	
Technology	22	\$ 244,665	\$ 163,394	\$ 193,463	(41,062)	66.8%	Cybersecurity cont svc
Municipal Building	24	\$ 98,760	\$ 53,272	\$ 1,114,998	(3,892)	53.9%	Elevator HVAC repairs
Town Offices	26	\$ 72,500	\$ 27,456	\$ 59,865	8,794	37.9%	
Employee Benefits	28	\$ 2,650,900	\$ 1,589,383	\$ 2,527,249	(263,933)	60.0%	
Code Enforcement	30	\$ 207,519	\$ 123,772	\$ 199,398	(20,013)	59.6%	STR software licensing
Assessing Dept.	32	\$ 199,464	\$ 70,173	\$ 199,499	29,559	35.2%	
Planning Dept.	34	\$ 447,194	\$ 193,546	\$ 355,500	30,051	43.3%	
Miscellaneous	36	\$ 296,900	\$ 139,073	\$ 239,432	9,377	46.8%	
Fire / Ambulance Dept	42	\$ 1,895,224	\$ 929,301	\$ 1,667,317	18,311	49.0%	
Hydrants-Public Fire	43	\$ 813,240	\$ 292,802	\$ 586,807	113,818	36.0%	
Police Dept.	45	\$ 2,019,868	\$ 974,844	\$ 1,750,656	35,090	48.3%	
Dispatch Division	47	\$ 368,964	\$ 166,255	\$ 279,297	18,227	45.1%	
Public Safety Bldg.	49	\$ 70,714	\$ 23,068	\$ 64,652	12,289	32.6%	
Street Lights	51	\$ 19,370	\$ 10,008	\$ 23,450	(323)	51.7%	
Harbor Dept.	53	\$ 134,723	\$ 51,141	\$ 121,735	16,221	38.0%	
Parks & Rec & Glen M	59	\$ 262,790	\$ 148,470	\$ 232,868	(17,075)	56.5%	
Parks & Rec Events	60	\$ 528,761	\$ 276,233	\$ 490,217	(11,853)	52.2%	YMCA, Jesup, BHCC
GenAssist	66	\$ 7,400	\$ 5,281	\$ 15,441	(1,581)	71.4%	
Cooperating Agencies	68	\$ 106,014	\$ 70,307	\$ 76,059	(17,300)	66.3%	Timing 7/1/25 requests
Comfort Station	70	\$ 163,172	\$ 95,405	\$ 146,707	(13,819)	58.5%	Timing/seasonal
Public Works	75	\$ 370,765	\$ 172,913	\$ 243,060	12,470	46.6%	
Highway Dept	77	\$ 1,630,768	\$ 601,001	\$ 1,323,683	214,383	36.9%	
Solid Waste	79	\$ 1,195,450	\$ 584,617	\$ 1,083,662	13,108	48.9%	Incr MSW tip fee exp
<b>General Fund Totals</b>		<b>\$ 15,020,378</b>	<b>\$ 7,372,014</b>	<b>\$ 14,343,495</b>	<b>138,175</b>	<b>49.1%</b>	
payroll periods		26	13	26		50.0%	

FY26 Budget does not include carryover encumbrances from FY2025





**TOWN OF BAR HARBOR**  
**Planning & Code Department**  
93 Cottage Street  
Bar Harbor, ME 04609

**Date:** January 16, 2026

**Subject:** Update to Town Council on proposed Land Use Ordinance amendments

On January 7, 2026, the Planning Board scheduled public hearings for February 4, 2026, on proposed amendments to the Land Use Ordinance. Attached are the five amendments draft orders: (1) Holy Redeemer, (2) Design Review, (3) Campground and Campsite, (4) Lodging, and (5) Minimum Area Per Family. Each draft order includes a summary and an explanation of the changes, as well as the proposed changes.

Below is a summary explanation of each amendment, and an outline of where we are in the “formal” amendment process.

**A. Explanation of Amendments and finding of consistency with Comprehensive Plan**

**(1) Holy Redeemer.**

**(a) Explanation:** This is a property owner–initiated amendment. The church submitted an application (LU-2025-01) to the Planning Board requesting an amendment to the Land Use Ordinance to rezone the Holy Redeemer Catholic Church property (Map/Lot 104-419-000), located at 56 Mount Desert Street, from the Mount Desert Street Corridor District to the abutting Downtown Residential District. The existing use is permitted in both districts. If approved, the rezoning would allow increased lot coverage and reduced setback requirements for the property.

As explained in the Church's application to the Planning Board, the purpose of the amendment is to "... improve parking and access to the church while preserving the character of the surrounding neighborhood."

**(b) Consistency with Bar Harbor 2035 Comprehensive Plan:**

As stated in the Church's application to the Planning Board,

*That [Comprehensive] plan affirms the importance of institutional uses such as churches and civic facilities, noting in Chapter 4 (Land Use) that they remain essential to neighborhood vitality and should be supported through flexible zoning frameworks where contextually appropriate. Rezoning the Holy Redeemer Church parcel from Mount Desert Street Corridor to Downtown Residential reflects that policy directly: it aligns zoning with the property's long-standing institutional use.*

*The Future Land Use Plan section of the 2035 Comprehensive Plan specifically identifies the Downtown Residential District as a transition zone supporting a mix of residential and compatible civic or institutional uses. The Holy Redeemer parcel is located at the edge of this district and exhibits land use characteristics, including walkability, adjacency to other civic institutions, and proximity to downtown services, that match the intended purpose of the zone as defined in the Future Land Use Plan. This makes the requested zoning change not only appropriate for current use but also directly aligned with the Town's vision for future land use and neighborhood design.*

## **(2) Design Review**

**(a) Explanation:** The amendment would repeal and replace Article XIII, Design Review. It reorganizes the entire existing Design Review section, including standards and process. The changes also clarify the applicability of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

### **(b) Consistency with Bar Harbor 2035 Comprehensive Plan:**

The amendment aligns standards with the Secretary of the Interior's Standards for the Treatment of Historic Properties regarding rehabilitation and restoration activities and identify when such standards are to be used, consistent with the Implementation Action 6.8B, "Review and make changes to the design review standards to better align with the Maine Historic preservation guideline and other related standards."

## **(3) Campgrounds and Campsites**

**(a) Explanation:** The amendment has two parts: Campgrounds and Individual Private Campsites.

The change for campground is about establishing one Campground definition, as opposed to one for the shoreland zones and one for outside the shoreland zones. There is no change to the districts where Campgrounds are allowed.

The changes to Private Campsites would delete the term and replace it with Individual Private Campsite. The Individual Private Campsite use applies to land that is intentionally developed and used on a recurring basis by the property owner with site improvements and adequate sewage disposal. It is not intended to prohibit the temporary placement of a tent or recreational vehicle on a residential property for an occasional overnight use by visiting friends or family.

Individual Private Campsites would be allowed in 13 districts, all located outside of Downtown. Individual Private Campsites would continue to be allowed in four shoreland districts while it would no longer be allowed in the other five shoreland districts.

**(b) Consistency with Bar Harbor 2035 Comprehensive Plan:**

By requiring Individual Private Campsites to demonstrate acceptable sewage disposal, thereby protecting environmental quality and public health while allowing continued property use, the amendment is consistent with the element of Vision Pillar 4 “Our regulations address pressing issues Bar Harbor is facing while protecting the environment and the health, safety and welfare of the community, and also acknowledging the rights of individual property owners.” And, by not allowing Individual Private Campsites within the Downtown districts, the amendment maintains established development patterns and protects the visual and historic character of the area, and is consistent with the Future Land Use Strategy Focus Area 1, Downtown Center and Downtown Residential where it states “The protection and enhancement of the Downtown’s unique and historic character is also extremely important, and efforts should be made to complement the aesthetic qualities of new development.”

**(4) Lodging (L)**

**(a) Explanation:** The amendment replaces the term Guest Room with Guest Unit. The amended definitions of L2, L3, L6, and L7 coupled with Guest Unit, Guest Capacity, Gross Floor Area definitions and standards, establish measurable size thresholds for lodging by regulating lodging scale through two objective limits. Gross Floor Area defines what interior space counts toward lodging use, ensuring consistent measurement of building size. Guest Capacity establishes limits on the number of occupants in a lodging establishment. Together with the requirement

that L2, L3, L6 and L7 would set both a minimum and a maximum number of Guest Units and a maximum Guest Capacity, the ordinance sets clear upper and lower bounds on lodging size, intensity, and occupancy.

To avoid the conversion of housing to a lodging establishment, L1 would no longer be an allowed use. Existing operations would be allowed to continue as legally non-conforming uses of record, but expansion would be prohibited. Because the definition of L1<sup>1</sup> is similar to the definition of short-term rental (VR-1<sup>2</sup> and VR-2<sup>3</sup>), this change would prevent L1 from being used in place of short-term rentals. It would also work to stop the conversion of dwelling units and/or their accessory buildings into L1, which has occurred when property owners cannot obtain a STR registration because the structure is not a dwelling unit, not their primary residence, the VR-2 cap, or when they prefer lodging rules that allow nightly rentals than the minimum of two-night stay for VR-1 and 4-night stay for VR-2.

To protect residential neighborhoods from commercial intrusion and residential conversion and ensure compatibility with district character and environment, the changes would remove L2, L3, L6 and L7 from certain districts because there is no such lodging establishment in these districts with two exceptions. There are two districts where lodging types are proposed to be removed even though active lodging operations exist, with each district limited to two establishments. In one district, the lodging operations were established recently and the district

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<sup>1</sup> L1 is defined as A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of 3 guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

<sup>2</sup> VR1 is defined as a dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing the dwelling unit.

<sup>3</sup> VR-2 is defined as an entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days.

is not served by public water or sewer. In the other district, the two lodging operations have existed for an extended period, and no additional lodging uses have been established. All existing operations would be allowed to continue as legally nonconforming uses without expansion. Most of these changes would safeguard environmentally sensitive and low-density areas served by well and septic system.

The amendment would remove the lodging expansion exception in the Nonconformity section of the Land Use Ordinance. Nonconformity regulations are intended to allow legally established uses, structures, and lots that do not meet current zoning requirements to continue, while limiting their expansion so that land use patterns evolve in accordance to the Comprehensive Plan. The current ordinance allows nonconforming lodging uses to expand in size, though not in the number of guest rooms. This allowance differs from the treatment of other nonconforming uses, which are restricted from expansion. Expansion of nonconforming lodging uses may result in the conversion of dwelling units to lodging use, affecting housing availability. Removing the exception would apply the same nonconformity standards to lodging as to other uses.

**PROPOSED DELETIONS AND ADDITIONS OF LODGING USES BY ZONING DISTRICT**

<b>District</b>	<b>Allowed lodging uses</b>	<b>Proposed lodging uses To be deleted</b>	<b>Proposed Lodging uses to be added</b>	<b>Comment(s)</b>
<b>Downtown Residential</b>	L1, L7	L1	None	VR-1s and VR-2s are allowed
<b>Downtown Village Transitional</b>	L2	L2	None	There are no known L2 lodging establishments in that district.
<b>Emery</b>	L1	L1	None	VR-1s and VR-2s are allowed
<b>Hulls Cove Rural</b>	L1	L1	None	VR-1s and VR-2s are allowed
<b>Hulls Cover Residential Corridor</b>	L1, L7	L1	None	VR-1s and VR-2s are allowed

**PROPOSED DELETIONS AND ADDITIONS OF LODGING USES BY ZONING DISTRICT**

<b>District</b>	<b>Allowed lodging uses</b>	<b>Proposed lodging uses To be deleted</b>	<b>Proposed Lodging uses to be added</b>	<b>Comment(s)</b>
<b>McFarland Hill Residential</b>	L1	L1	None	VR-1s are allowed
<b>Otter Creek</b>	L1	L1	None	VR-1s are allowed
<b>Shoreland General Development IV</b>	L4	L4	L7	There is one existing lodging establishment with 19 rooms in this district. The district itself is limited in size. Changing the designation from L4 to L7 would shift the lodging type from a category with no cap on guest rooms to one with a maximum of 25 guest rooms and 100 guests capacity. The area is currently served by private septic and well systems and does not have access to municipal water or sewer.
<b>Shoreland Maritime Activities</b>	L5	L5	None	There are no lodging establishments in the district. This district is limited to the Ferry Terminal parcel.
<b>Town Hill Business</b>	L2, L3, L4, L5	L2, L3, L4, L5	None	There is one L2 (2 units) and one L3 (10 cabins), both are recently established (2024ish). Both would be allowed to continue as a legally non-conforming uses of record, but expansion would be prohibited. There are no known L3, L4 or L5 lodging establishments in that district. This district is served by septic and well systems and does not have access to town water and sewer at this time.
<b>Town Hill Residential</b>	L1, L7	L1	None	VR-1 are allowed
<b>Town Hill Residential Corridor</b>	L1, L7	L1, L7	None	There are no known L1 or L7 lodging establishments in the district. This district is served by septic and well systems and does not have access to town water and sewer at this time. VR-1s and VR-2s are allowed
<b>Village Historic</b>	L1	L1	None	VR-1s and VR-2s are allowed
<b>Village Residential</b>	L2, L4	L2, L4	None	There are two existing lodging establishments, both have been there for a long time and are served by public water and sewer - one with 3 rooms (2004) and one with 26 rooms (1958) in this district. Both would be allowed to continue as a legally non-conforming uses of record, but expansion would be prohibited. The district itself is large fairly large and residential. The

**PROPOSED DELETIONS AND ADDITIONS OF LODGING USES BY ZONING DISTRICT**

District	Allowed lodging uses	Proposed lodging uses To be deleted	Proposed Lodging uses to be added	Comment(s)
				area is currently served by in part by municipal water or sewer.

**(b) Consistency with Bar Harbor 2035 Comprehensive Plan:**

By limiting the expansion of nonconforming lodging uses, reducing the conversion of dwelling units to lodging, and applying consistent nonconformity standards across uses, the amendment is consistent with the “Vision Pillar 2, element “Our businesses contribute to our local economy and are sized appropriately from environmental, service and infrastructure, and social perspectives,” and by establishing clear, objective standards that regulate lodging scale, intensity, and expansion, it is consistent with “Vision Pillar 4: We work through our differences to strengthen our collective sense of community. We take care of each other, and we take care of our place.”

In addition, by clarifying lodging definitions, establishing size thresholds, and revising where lodging uses are allowed, the amendment is consistent with the 2025 Workplan presented to Town Council on January 21, 2025, action 1 to “address immediate needs of the moratorium; managing lodging uses.”

**(5) Minimum area per family.**

**(a) Explanation:** The amendment would remove the minimum area per family dimensional requirement for lots in 14 (out of 40) districts. These 14 districts are all served by public water and sewer and/or fall within a designated growth area per the Comprehensive Plan. These changes are proposed in response to the 2022 Bar Harbor Housing Analysis, the Comprehensive Plan, Town Council Goals, and the recent state housing legislation - LD 1829, *An Act to Build Housing for Maine Families and*

*Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density.*

For lots on well and septic, the proposed changes meet state law requirements. However, for lots served by public water and sewer, the proposed changes are slightly more permissive than state law.

There are multiple barriers to housing production, including land costs, construction costs, and dimensional standards such as limits on lot coverage, lot size, building height, minimum lot size, and minimum area per family. In Bar Harbor, these dimensional standards are sufficiently restrictive to not only constrain the creation of new housing, but also effectively exclude many middle-income earners from being able to afford housing in Bar Harbor. This practice is commonly referred to as exclusionary zoning.

The proposed changes represent a step toward housing affordability but additional revisions to other dimensional requirements will be necessary to meaningfully address housing constraints. While minimum area per family would no longer be a controlling dimensional requirement in these 14 districts, other standards—particularly lot coverage, minimum lot size and height limits—will continue to regulate the intensity of residential development. As a result, neighborhood character is expected to remain unchanged given the continued application of these dimensional standards and the residential building types permitted within these districts.

Maximum Lot Coverage and Residential Building Type					
District	Maximum Lot Coverage	Allowed Residential Building Types			
		SF 1 unit	2-F (2 units)	MFI (3-4units)	MFI (5+ units)
Bar Harbor Gateway	50%	Y	Y	Y	Y
Village Historic	25%	Y	Y	Y	N
Mount Desert Street Corridor	35%	Y	Y	Y	Y
Village Residential	25% w/o sewer 50% w/ sewer	Y	Y	Y	Y
Downtown Village I	100% exclusive of setbacks	Y	Y	Y	Y
Downtown Village II	75-90%	Y	Y	Y	Y
Downtown Residential	75%	Y	Y	Y	N
Hulls Cove Business	75%	Y	Y	Y	Y
Hulls Cove Residential Corridor	25%	Y	Y	Y	Y
Hulls Cove Rural	25%	Y	Y	N	N
Shoreland General Development I	20-50%	Y	Y	Y	Y
Shoreland General Dev II (Hulls Cove)	20-70%	Y	Y	Y	Y
Shoreland General Development III	25%	Y	Y	Y	Y
Educational Institution	25%	Y	N	N	N

**(b) Consistency with Bar Harbor 2035 Comprehensive Plan:**

The Comprehensive Plan identifies housing as one of the top issues for the Town.

The amendment is consistent with Vision Pillar 3 that speak to the “community includes sufficient equitable housing;” the Future Land Use Strategy directs the town to focus on regulatory amendments in designated growth areas, areas surrounding neighborhoods, and the corridor connecting those areas; and the Downtown Center and Downtown Residential land use areas as displaying “the greatest opportunities for increasing density through new and infill development, and redevelopment activity.”

The recommendations focus on removing barriers to housing. Policy 6.2 aims to “. . . reduce zoning related barriers to housing development, direct new housing development to locations informed by the future land use strategy. . .;” and Strategy 6.2C speaks to “[a]dopt zoning changes that build on state legislative initiatives to remove barriers to housing development in Bar Harbor.”

## **B. Process**

These amendments were introduced to the Town Council on December 16, 2025. The Planning Board, at a meeting on January 7, 2026, voted unanimously in favor of holding public hearings on February 4, 2026. Property owners were notified of the hearings through Town-wide mailing and notices were published in the Islander on January 15 and 22, 2026. The amendments will be “formally” presented to Town Council on February 17 with possible public hearings being held on March 17, 2026.



WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT —Holy Redeemer Church** – Shall an ordinance, dated **February 4, 2026**, and entitled “**An Amendment to amend the Official Neighborhood Districts Map by rezoning the Holy Redeemer Church from the Mount Desert Street Corridor District to the Downtown Residential District,**” be enacted?

SUMMARY

The amendment to the Official Neighborhood Districts Map would rezone the Holy Redeemer Church located at 56 Mount Desert Street, Tax Map 104, Lot 419, from the Mount Desert Street Corridor District to the abutting Downtown Residential District.

GENERAL EXPLANATION

The applicant, Holy Redeemer Church, is requesting an amendment to the Official Neighborhood Districts Map. The amendment would rezone the Holy Redeemer Church located at 56 Mount Desert Street from the Mount Desert Street Corridor District to the Downtown Residential District. This change would provide the lot with a greater lot coverage and decreased setbacks.

LUO Amendment #LU-2025-01

**Holy Redeemer Church**

Town of Bar Harbor

**An amendment to the Land Use Ordinance**

**Article II**

*The Town of Bar Harbor hereby ordains that the Official Neighborhood Districts Map of Bar Harbor, as described in Chapter 125, Section 13, Official Neighborhood Districts Map of the Town Code is amended as follows:*

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

**Chapter 125 , LAND USE ORDINANCE**

**Article II. Establishment of Districts**

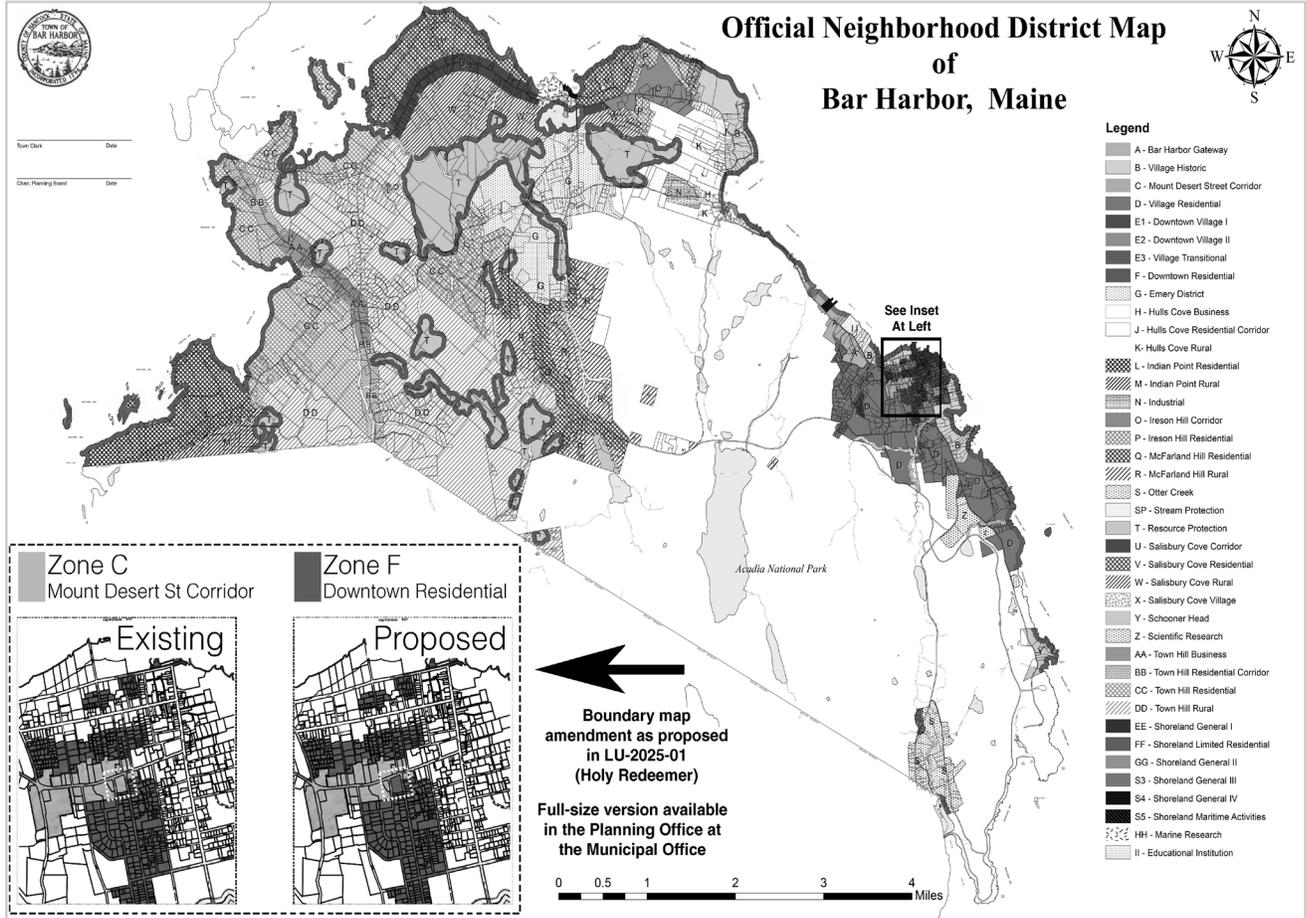
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**§125-13 Official Neighborhood Districts Map**

Neighborhood districts established by this chapter are bounded and defined as shown on the Official Neighborhood District Map of Bar Harbor, which, together with all explanatory materials contained thereon, is hereby made a part of this chapter. The official map shall be signed by the

Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of the chapter, certifying the date of such adoption or amendment, and shall be filed in the office of the Town Clerk.

\*\*\*



WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT – Design Review** – Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to clarify the design review standards and process**” be enacted?

---

SUMMARY

The amendment would repeal and replace Article XIII, Design Review, to improve clarity, readability, and usability. It would also amend and create new definitions.

GENERAL EXPLANATION

The amendment would include the following changes:

1. Add definitions by stipulation for common terms used in Article XIII.
  2. Remove unnecessary language regarding Design Review Board composition and term details.
  3. Add submission and review process details, where necessary, for greater clarity for applicants.
  4. Relocate definitions for Internally Illuminated Signage types from the General Definitions section (§125-109) to the Relevant Standards section (proposed §125-117).
  5. Clarify applicability of standards from *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.
  6. Remove *Attachment 2 - Table 2* from the Land Use Ordinance and addition of user-friendly submission requirements checklist to the Design Review application form.
  7. Create new definitions for Design Review Handbook, National Register of Historic Places, Portable Shelter, Principal Elevation, Projection, Public Way, and Viewscape.
  8. Revise the definition of Complement the Visual Character of the (Design Review Overlay) District and Sign, Internally Illuminated.
  9. Remove the definition of Accessory Project, Architectural Merit, Established Pattern of, Exterior Walls of Traditional Site-Built Appearance, Historic Building or Structure, Historic Merit, and Visually Complement.
- 

LUO Amendment #LUO-2026-01

**Definitions & Design Review**

Town of Bar Harbor

**Amendment to the Land Use Ordinance**

**Articles XII & XIII**

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

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

# Chapter 125 , LAND USE ORDINANCE

## Article XII. Construction and Definitions

\*\*\*

### § 125-109. Definitions.

\*\*\*

#### **~~ACCESSORY PROJECT~~**

~~A change to an appendage of a structure that includes signage, awnings, canopies, umbrellas, outdoor displays, lighting, or landscaping.~~

\*\*\*

#### **~~ARCHITECTURAL MERIT~~**

~~A building or structure shall be deemed to have architectural merit if it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master architect or builder, or possesses high artistic value.~~

\*\*\*

#### **~~COMPLEMENT THE VISUAL CHARACTER OF THE (DESIGN REVIEW OVERLAY) DISTRICT~~**

~~Designed in a manner that is architecturally and visually similar to the predominate pattern of buildings and relationship of buildings to the street within the district.~~

\*\*\*

#### **DESIGN REVIEW HANDBOOK**

A guide intended to provide the public with pictorial examples of design standards as outlined in Article XIII.

\*\*\*

#### **~~ESTABLISHED PATTERN OF~~**

~~The situation in which the substantial majority of buildings or structures within a block face, or the two buildings on either side of the subject property, exhibit a reasonably consistent pattern with respect to a physical feature such as height, facade proportion, setback, etc.~~

\*\*\*

### ~~EXTERIOR WALLS OF TRADITIONAL SITE-BUILT APPEARANCE~~

~~Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board and batten.~~

~~\*\*\*~~

### ~~HISTORIC BUILDING OR STRUCTURE~~

~~A building or structure meeting the criteria set forth in § 125-112D(1) and listed on the list of historic buildings and structures.~~

~~\*\*\*~~

### ~~HISTORIC MERIT~~

~~Those buildings classified as historic that retain original features and possess historic and architectural merit of a degree warranting their preservation.~~

~~\*\*\*~~

### NATIONAL REGISTER OF HISTORIC PLACES

The register assigned by The National Historic Preservation Act of 1966, as amended, recognizing buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifying them as worthy of preservation.

\*\*\*

### PORTABLE SHELTER

A freestanding structure that is not permanently affixed to the ground, intended to be easily assembled, disassembled, and relocated, designed to provide protection from weather conditions, constructed with or without side panels or walls and typically made of pliable materials such as fabric or plastic. The shelters may include, but are not limited to, canopies, event tents, and pop-up style enclosures.

\*\*\*

### PRINCIPAL ELEVATION

The primary façade that faces the street or public way, characterized by its architectural prominence, featuring elements such as the main entrance, windows, porches, porticos, and other

design features. The principal elevation of a structure on with multiple frontages is the orientation of the main entrance or the elevation that most directly addresses the street or public way.

\*\*\*

## **PROJECTION**

Any part of a structure that extends outward from the exterior wall or façade, such as bay windows, porches, overhangs, balconies, etc.

\*\*\*

## **PUBLIC WAY**

Any passageway, or part thereof, opened as a right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute.

\*\*\*

## **SIGN, INTERNALLY ILLUMINATED**

A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; ~~there are five types, as follows:~~ Section §125-117 details internally illuminated sign types and standards.

### **~~A. TYPE 1; CABINET WITH TRANSLUCENT FACE~~**

~~An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.~~

### **~~B. TYPE 2; CABINET WITH LIGHT-LIMITING FACE~~**

~~An internally illuminated sign with an opaque surround cabinet style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:~~

~~(1) Type 2-A: 20% (or less) translucent face/80% (or greater) opaque background field.~~

~~(2) Type 2-B: 30% (or less) translucent face/70% (or greater) opaque background field.~~

### **~~C. TYPE 3; CHANNEL LETTER~~**

~~An internally illuminated sign comprised of three-dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.~~

#### **~~D. TYPE 4; HALO~~**

~~An internally illuminated sign comprised of dimensional sign graphics, which cast a halolike glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.~~

#### **~~E. TYPE 5; PUSH-THROUGH LETTERING~~**

~~An internally illuminated sign with an opaque surround cabinet style fixture with lightlimiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to 1/2 inch in depth. This type of sign has two acceptable categories:~~

~~(1) Type 5-A: 20% (or less) translucent face/80% (or greater) opaque background field.~~

~~(2) Type 5-B: 30% (or less) translucent face/70% (or greater) opaque background field. \*\*\*~~

#### **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.

\*\*\*

#### **VISUALLY COMPATIBLE**

A design that is visually or architecturally harmonious with the predominate pattern of buildings when viewed from a public street.

\*\*\*

### **Article XIII. Design Review**

#### **§ 125-110. Purpose of design review.**

The purpose of design review is to provide for the regulation of building and site design within designated areas of the Town of Bar Harbor as proposed in the Town's adopted Comprehensive Plan in order to promote the following goals:

- A. ~~The education, economics, and the general welfare of the Town, its residents, and guests;~~
- B. ~~The protection and preservation of buildings, places, and things of aesthetic, historic, cultural, or of architectural value; [Amended 6-11-2024ATM by Art. 5]~~
- C. ~~The continued maintenance and improvement of existing structures in a timely and responsible manner;~~
- D. ~~The fostering of a positive and identifiable image to encourage continued private and public interest, investment, and development within the designated area;~~
- E. ~~The construction and maintenance of aesthetically pleasing structures using materials compatible with those materials and buildings that exist in their immediate area; and~~
- F. ~~The ability of the Design Review Board to carry out its task in a timely and fair manner with the best interests of the Town, its residents, property owners, and consumers in mind using the regulations, definitions, and standards of this article.~~

**§ 125-111. Design Review Board.**

- A. ~~Composition. There is hereby created a Design Review Board which shall consist of seven members appointed by the Town Council, who shall be residents of the Town of Bar Harbor, interested in the preservation and development of the Community. [Amended 6-11-2024ATM by Art. 5]~~
- B. ~~1 (Reserved)~~
- C. ~~Jurisdiction. The Review Board's jurisdiction shall be limited to the Design Review Overlay District identified in § 125-112A. The Review Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or preservation that affect the visual quality of the district. The Design Review Overlay District includes views from public streets and parking lots, as well as the view from the waterfront. The Board shall not consider the interior floor plan layout of buildings as part of its review. [Amended 11-3-2009; 68-2010; 6-11-2024ATM by Art. 5]~~
- D. ~~Term of office. The term of office shall be for three years.~~
- E. ~~Members serve without pay. Members of the Board shall serve without pay but shall be reimbursed for any and all authorized expenses incurred personally in carrying out the purposes of this article.~~
- F. ~~Organization. The Board shall elect from its membership a Chair and a Vice Chair who shall serve for terms of one year and who shall be eligible for re-election. The Chair~~

shall preside over the Board and have the right to vote. In an absence or disability of the Chair, the Vice Chair shall perform the duties of the Chair.

G.—Staff assistance. The Code Enforcement Officer and Planning Department staff shall provide such technical, administrative, and clerical assistance to the Board.  
~~[Amended 6-11-2024ATM by Art. 5]~~

H.—Professional assistance. The Board, subject to the Town Council's consent, shall have the right to retain and pay for the services and expenses of professional help needed in carrying out the purpose of this article. If the review of an application requires outside professional assistance, the Board may require the payment of a technical assistance fee in accordance with § 125-65D to defray the Town's costs in obtaining such assistance.

I.—Meetings. The Board shall hold regular meetings, at least monthly, to review applications for certificates of appropriateness. All meetings of the Board shall be recorded.

### ~~§ 125-112. Applicability of design review.~~

A. Design Review Overlay Districts. ~~[Amended 11-4-2003; 11-2-2004; 6-9-2009; 11-3-2009; 6-8-2010; 6-14-2016; 7-14-2020; 6-11-2024ATM by Art. 5]~~

(1) ~~The provisions of this article shall apply only within the limits of the following Design Review Overlay District, hereinafter called the "district." A map of the district can be found in the Planning Department.~~

(2) ~~Boundaries of the Design Review Overlay District. The district as depicted in a map titled "Design Review Overlay District of the Town of Bar Harbor, Maine" shall include the following:~~

~~(a) Bar Harbor Village Area.~~

~~[1] 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.~~

~~[2] All properties with road frontage on West Street from Eden Street to, and including, the pier.~~

~~[3] All properties with road frontage on Bridge Street from West Street to the shore.~~

~~[4] All properties with road frontage on Cottage Street from Eden Street to Main Street.~~

~~[5] All properties with road frontage on Main Street from the pier to Cromwell Harbor Road.~~

~~[6] All properties with road frontage on Rodick Street and Rodick Place.~~

~~[7] All properties with road frontage on Firefly Lane.~~

~~[8]—All properties with road frontage on The Field.~~

~~[9]—All properties abutting the Shore Path from the pier to Wayman Lane.~~

~~(b) Town Hill Village Area.~~

~~[1]—All properties with road frontage on State Highway 102 from the southern end of Right of Way Road to Pats Way.~~

~~(c) Shoreland Maritime Activity Area.~~

~~(d) Hulls Cove Village Area.~~

~~[1]—All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.~~

~~(e)~~

~~All properties and signs listed in Appendix A of this Chapter.~~

~~(3) The district also includes the following uses regardless of their geographic location and therefore these may not be depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine."~~

~~(a) All internally illuminated signs and all signs listed in Appendix A.~~

~~(b) Lodging I, Lodging II, and Lodging III. [Amended 11-5-2024ATM by Art.~~

~~3] (c) All shared accommodation uses.~~

~~B.—Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Design Review Board: [Amended 11-4-2003; 5-3-2004; 11-2-2004; 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~(1) The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A.~~

~~(2) The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A.~~

~~(3) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials.~~

~~(4) Any new construction of a principal or accessory building or structure, except for lots with the principal use of a single or two family dwelling;~~

~~(5) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing~~

~~nonhistoric building or structure, except for lots with the principal use of a single or two family dwelling, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color, if the change is subject to view from a public street;~~

- ~~(6) Any change in existing fences and/or retaining, ornamental or other freestanding walls or the construction of new fences and/or freestanding walls on a parcel, except for lots with the principal use of a single or two family dwelling, if the wall or fence is located along a public street right of way;~~
- ~~(7) The erection of a new internally illuminated sign, the relocation of an existing internally illuminated sign, or the modification of an existing internally illuminated sign which changes the size, color, lighting, or graphic design of the sign.~~
- ~~(8) The seasonal closure of a business involving the placement of window coverings or other activities which alter the exterior appearance of the property and can be seen from a public street. (Note: The certificate of appropriateness obtained initially shall remain in effect as long as the closure treatment remains unchanged.)~~

~~C. Activities not subject to design review. The following activities are not subject to design review:~~

- ~~(1) The construction of a new principal or accessory building or structure or the modification of an existing nonhistoric building or structure used entirely for single or two family dwelling occupancy. [Amended 5-3-2004]~~
- ~~(2) The erection or modification of signs, freestanding walls, fences, landscaping or similar activities at a property used entirely for single or two family dwelling occupancy. [Amended 5-3-2004]~~
- ~~(3) Temporary or emergency activities intended to protect a property from damage as a result of a natural event, such as a storm, or to secure a property from further damage following a storm, fire, or similar event. All permanent improvements or repairs shall be subject to design review.~~
- ~~(4) Routine maintenance or repair where no change is made to the exterior appearance of the structure or grounds. The following list illustrates the types of work that a property owner may undertake without a certificate of appropriateness:
  - ~~(a) Repainting using the existing colors.~~
  - ~~(b) Replacement of window glass.~~
  - ~~(c) Caulking and weatherstripping.~~
  - ~~(d) Installation or removal of window air conditioners.~~
  - ~~(e) Installation or changes of mechanical equipment, such as heating and air conditioning units, television antennas/satellite dishes, and garbage containers, as long as it is completely screened from view by landscaping or fencing.~~~~

- ~~(f) Repair of roofing materials as long as the material is of a similar color, texture and general appearance.~~
- ~~(g) Replacement of missing or deteriorated siding, gutters, trim, porch flooring, steps, etc., using replacement materials that match the original and that do not damage or eliminate architectural features.~~
- ~~(h) Repair or replacement of masonry foundations where the original foundation material is retained or where any new material matches the original in color, material, and appearance [including the installation of metal foundation vents (side and rear only) and the replacement of access doors which cannot be seen from the street].~~
- ~~(i) Repointing and other masonry repairs where the color and composition of the mortar, brick or stone match the original.~~
- ~~(j) Replacement of storm windows or doors provided that the trim color is white or compliments the building's trim color.~~
- ~~(k) Installing house numbers and mailboxes.~~
- ~~(5) Minor renovations that do not include any changes in the exterior appearance of the building, such as:
 
  - ~~(a) Replacing old windows with new windows of the same size and material.~~
  - ~~(b) Replacing old siding with new siding of the same material and color.~~
  - ~~(c) Replacing old roofing with new roofing with the same color and style.~~~~
- ~~(6) Renovation or new construction which is limited to the following types of improvements: **[Added 11-8-2011]**
  - ~~(a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.~~
  - ~~(b) <sup>3</sup> (Reserved)~~
  - ~~(c) <sup>4</sup> (Reserved)~~
  - ~~(d) <sup>5</sup> (Reserved)~~
  - ~~(e) Installation of roof-mounted solar collection panels and appurtenant equipment. **[Amended 6-14-2016]**~~
  - ~~(f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for~~~~

~~awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.~~

~~(g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.~~

~~(7) The change of use of an existing building with no changes to the exterior.~~

~~[Added 6-11-2024 ATM by Art. 5]~~

~~D. Classification of buildings, signs, and structures. Within the district, all buildings and structures shall be divided into two classes, historic and nonhistoric. [Amended 11-2003]~~

~~(1) Historic buildings and structures. For the purposes of this article, buildings and structures possessing identified historic or architectural merit of a degree warranting their preservation shall be classified as historic.~~

~~(a) Those buildings or structures which meet one or more of the following criteria shall be considered as historic, noting that they may not all meet state or federal criteria for official designation as historic properties:~~

~~[1] Buildings or structures at which events occur or have occurred that contribute to, 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. These include sites and buildings at which the public may gain insight or see examples of particular items or patterns relevant to North American heritage.~~

~~[2] Buildings or structures importantly associated with historical personages.~~

~~[3] Buildings or structures importantly associated with historic examples of a great idea or ideal.~~

~~[4] Buildings or structures or structural remains embodying examples of architectural types of specimens valuable for study of a period, style, or method of building construction, of community organization and living, or a single site representing the work of a master builder, designer, architect, or landscape architect.~~

~~[5] Buildings or structures contributing to the visual continuity and aesthetic value of the district.~~

~~[6] Buildings or structures currently on, or eligible for, the National Register of Historic Places or listing as a National Historic Landmark.~~

~~(b) A list of the properties meeting one or more of these criteria is contained in Appendix A.<sup>6</sup> The Board shall annually review both the criteria and the properties included on the list and shall make recommendations to the Town Meeting for modifications to the criteria and additions to, or deletions from,~~

~~the list as it deems necessary to accomplish the objectives of these design review provisions. [Amended 6-11-2024ATM by Art. 5]~~

- ~~(c) The owner of any property within the district may submit a written request to the Board asking for a review of the historic or architectural merit of his/her property and consideration of its inclusion on or deletion from the list. In such cases, the Board shall review the property for conformance with the criteria and recommend adding or deleting the property as appropriate to the Town Meeting.~~
- ~~(2) Nonhistoric buildings and structures. All buildings and structures not classified as historic based upon the criteria of Subsection D(1) and included on the list of historic properties shall be classified as nonhistoric.~~

### ~~§ 125-113. Application and review procedures.~~

#### ~~A. Preapplication procedures.~~

- ~~(1) Prior to making application for a certificate of appropriateness, an applicant should familiarize themselves with the requirements and procedures of this section and obtain a copy of the procedures, standards, Design Review Handbook, and application form from the Planning Department. Applicants are welcome to observe a meeting of the Design Review Board to familiarize themselves with the Board's procedures. [Amended 6-11-2024ATM by Art. 5]~~
- ~~(2) Applicants are encouraged to meet informally with Planning Department staff to discuss their project prior to preparing and submitting an application or making any binding arrangements for the proposed improvements. [Amended 6-11-2024ATM by Art. 5]~~
- ~~(3) All preapplication activities shall be informational in nature, and any discussions during these activities shall in no way be construed to be a decision or to bind future actions of the Board. No preapplication discussions shall cause an application to be considered to be a pending application or proceeding under 1 M.R.S.A. § 302.~~

#### ~~B. Application submission and review procedures. The applicant shall prepare and submit an application for a certificate of appropriateness together with supporting documentation that meets the requirements set forth below, provided that all time limits provided in this section may be extended by the mutual agreement of the applicant and the Board. The submission shall be processed as follows:~~

- ~~(1) The application shall be submitted to the Planning Department at least fourteen days prior to the meeting of the Design Review Board at which the application will be considered. [Amended 6-11-2024ATM by Art. 5]~~
- ~~(2) Upon receipt of an application, the Planning Department shall give the applicant a dated receipt and review the submission for completeness within ten days.~~

~~[Amended 6-11-2024 ATM by Art. 5]~~

- ~~(3) If the Planning Department finds that the application is complete, that all required information has been submitted, the Planning Department shall place the application on the agenda for the next scheduled meeting of the Board.~~
- ~~(4) If the Planning Department finds the application to be incomplete, it shall return it to the applicant with a written indication of the additional information and/or revisions needed and shall inform the applicant that the application will not be processed until a complete application is submitted. If an application is returned to the applicant on the basis that it is incomplete, the applicant may appeal this decision, in writing, to the Design Review Board and the Board shall consider the completeness of the application at its next meeting. If the Board finds that the application is complete, it shall continue with the review of the application.~~
- ~~(5) The Board shall consider an application at its next scheduled meeting after it is determined to be complete. The applicant and/or his/her representative(s) shall attend the meeting and shall explain the proposed activities to the Board and answer any questions about the application. The burden is on the applicant to demonstrate that the application meets the requirements of § 125-114. The applicant and/or his/her representative(s) may present any information to the Board that he/she feels will demonstrate compliance with the standards.~~
- ~~(6) The Board shall act to approve, approve with conditions, or deny an application within 30 days of its initial consideration. The Board may extend this period to 45 days for projects involving the construction of a new building or an addition to an existing building. If the Board fails to act within the period provided the application shall be deemed to have been denied.~~
- ~~(7) The Board may impose conditions on the approval but only those that are necessary to assure compliance with the standards of approval. In making its decision, the Board shall make written findings of fact establishing that the proposal does or does not meet the standards. Following its action, the Board shall notify the Code Enforcement Officer of its decision and instruct the Code Enforcement Officer as to whether a certificate of appropriateness shall be issued.~~

~~C. Coordination with site plan review.~~

- ~~(1) The design review and site plan review requirements deal with different aspects of a project. Some of the activities subject to design review may also require that the applicant obtain site plan approval from the Planning Board. These include the construction of a new building, projects involving the expansion or renovation of an existing building, and situations in which the use of the building is being changed.~~
- ~~(2) Prior to preparing an application for a certificate of appropriateness, the applicant should review this chapter and/or meet with the Town Planner to determine if site plan approval is required in addition to design review. If site plan review is also required, the applicant may submit concurrent applications to the two Boards and may request that the two applications be reviewed concurrently.~~

- ~~(3) The application for design review must be consistent with the activities and design submitted as part of the site plan review application. If either Board's review and approval of the plan results in revisions or conditions which affect aspects of the project subject to the other Board's review, both the applications must be modified accordingly. Projects subject to both design review and site plan review must comply with both approvals and any conditions imposed as part of the approvals.~~

~~D. Process for the demolition of a historic building. This Subsection D establishes two processes for the demolition of a building or structure classified as historic. The first allows for immediate demolition with the issuance of a certificate of appropriateness, while the second allows for delayed demolition if a certificate of appropriateness is not issued.~~

~~(1) Immediate demolition.~~

~~(a) If the owner of a building or structure classified as historic seeks to demolish the building or structure in whole or in part, the Review Board may approve the issuance of a certificate of appropriateness for the demolition if the property owner shows that the application meets the standards of § 125-114E(2). [Amended 6-11-2024ATM by Art. 5]~~

~~(b) If a certificate of appropriateness is approved, the applicant may immediately apply to the Code Enforcement Officer for a demolition permit. If the Board fails to approve the issuance of a certificate of appropriateness permitting the demolition, the applicant may proceed under the delayed demolition procedures.~~

~~(2) Delayed demolition.~~

~~(a) If the Board fails to issue a certificate of appropriateness, the owner of a building or structure classified as historic may apply for a permit to demolish the building in accordance with the following procedures. The building may be demolished; provided, however, that before a demolition permit is issued, four months' notice of the proposed demolition shall be given.~~

~~(b) The objective of this provision is to further the purposes of this article by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to afford the Town, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.~~

~~(c) The Board may at any time during such stay approve a certificate of appropriateness in accordance with § 125-114E(2) in which event a demolition permit shall be issued without further delay. [Amended 6-11-2024ATM by Art. 5]~~

~~(d) Public notice of the pending demolition shall be provided as follows:~~

~~[1] Notice of the proposed demolition shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street, shall be mailed to the Maine State Historic~~

Preservation Office, and shall be delivered to the Bar Harbor Historical Society.

~~[2] Notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed. E. — Submission requirements.~~

- ~~(1) The activities covered by design review vary widely in their scope and complexity and, hence, in the type and amount of information needed by the Design Review Board to determine if the proposed activities are consistent with the standards of this section. [Amended 6-11-2024ATM by Art. 5]~~
- ~~(2) In all cases, the burden is on the applicant to provide the Board with adequate information to determine the appropriateness of the project.~~
- ~~(3) To aid the applicant in preparing his/her application, the minimum submission requirements shown in the following table have been established. Applicants should submit additional information if they feel that is necessary or helpful in demonstrating that the proposed activities are consistent with the standards.~~
- ~~(4) The following exhibits<sup>7</sup> shall be submitted as part of an application for a certificate of appropriateness. Projects involving more than one activity must submit the exhibits required for each of the proposed activities. For example, a project involving the painting of an existing building and the installation of a new sign is required to submit the exhibits required for both aspects of the project.~~

#### **§ 125-114. Design review standards.**

~~A. In reviewing an application for a certificate of appropriateness, the Design Review Board shall approve the issuance of a certificate if it finds the application and proposed activities are consistent with the following standards, or that they will be consistent as a result of conditions of approval imposed on the application.~~

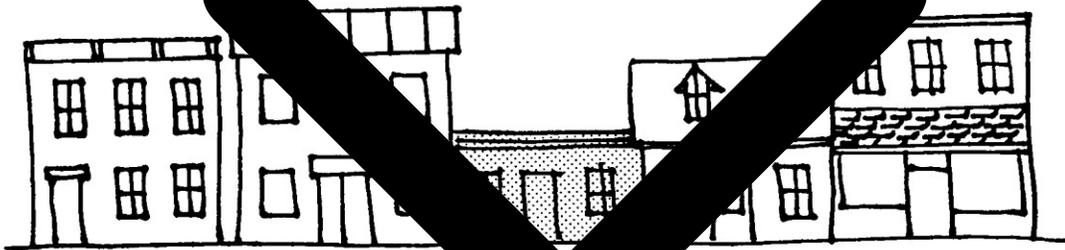
- ~~(1) The standards are broken down into five categories:
  - ~~(a) Standards relating to visual compatibility;~~
  - ~~(b) Standards for materials and design details for structural projects;~~
  - ~~(c) Standards for materials and design details for accessory projects;~~
  - ~~(d) Standards for signs; and~~
  - ~~(e) Standards for historic buildings.~~~~
- ~~(2) In reviewing applications, the Board shall consider the appropriate sections of each of these categories and shall find the project in conformance with all relevant provisions before approving the issuance of a certificate of appropriateness.~~

~~(3) Pictorial examples of acceptable treatments of various features are provided for many of the standards in the Design Review Handbook, which can be provided by the Planning Department. [Amended 6-11-2024ATM by Art. 5]~~

~~B. Standards relating to visual compatibility. The following standards for visual compatibility shall apply to all activities subject to a certificate of appropriateness within the Design Review Overlay District. These standards are intended to guide the design, construction, and maintenance of buildings, improvements, signs, and other visual features within the district to assure that they complement the visual character of the district and to serve as a foundation for the review of an application for a certificate of appropriateness. These standards are intended to be general statements of design principles to which activities within the district are required to conform.~~

~~(1) Building height. The height of new buildings and additions or modifications to existing buildings shall be visually compatible with adjacent buildings as seen from public streets. Where an established pattern of building heights exists, the height or apparent height of new, expanded, or modified buildings as seen from the public street shall maintain a complementary pattern.~~

### ~~Inappropriate Treatment~~



### ~~Appropriate Treatment~~

~~(2) Building scale and design.~~

~~(a) The size of a building and the building mass in relationship to the site and surrounding features shall visually complement the buildings, squares, and places to which it is visually related.~~

~~(b) Where there is an established pattern of building size or scale as viewed from a public street, new buildings or modifications to existing buildings shall be designed to maintain the existing pattern. If there is an established pattern of~~

~~buildings with narrow facades on the street, a new building shall maintain this visual pattern by limiting the size of the street facade or by designing the facade to appear as a number of narrow facades or through other approaches.~~

~~(c) The design of buildings shall visually complement the district. The design of buildings shall also conform to the following standards:~~

~~[1] The facade facing the street shall be treated as a front facade. The facade shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the district. Windows or architectural treatments designed to simulate windows shall comprise no less than 20% of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.~~

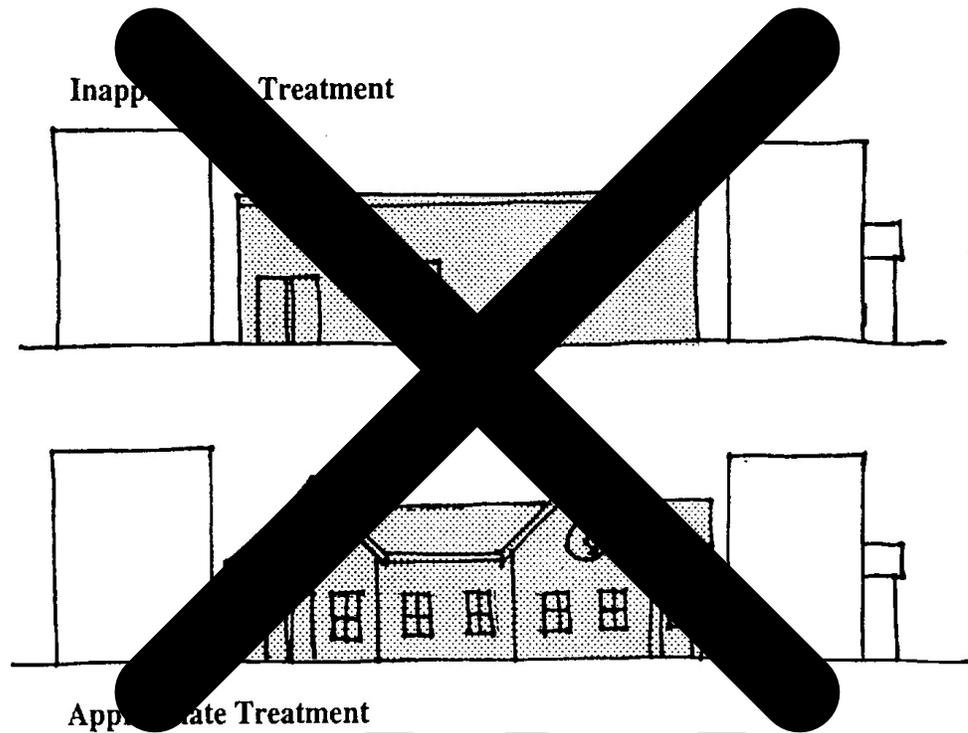
~~[2] Ground floor facades facing a public street must incorporate arcades, display windows, awnings, or other features to add visual interest to the building.~~

~~[3] Buildings used for retail or other public uses shall be designed to have clearly defined entrances that are visually compatible with the visual character of the district.~~

~~[4] Roofs shall be designed to complement visually the overall visual character of the district. A new building shall have a roofline that is similar to adjacent buildings if there is an established pattern of rooflines. If there is not an established pattern, new buildings shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false fronts or other design elements shall be used to create the appearance of a pitched roof. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.~~

~~[5] The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.~~

~~[6] New buildings with more than 5,000 square feet of first floor area shall be designed so that the building scale is visually compatible with the character of the district. The overall mass of the building shall be visually broken into smaller elements through the physical layout of the building and/or the design of the facades.~~



~~(3) Proportionality of the front or street facade.~~

- ~~(a) The ratio of the width of the front or street facade to the building height shall complement the visual character of the district.~~
- ~~(b) Where an established pattern of facade proportion exists, new or modified buildings shall maintain the established pattern. If there is a pattern of tall, narrow buildings, a new building that is wider than it is tall is inappropriate unless the facade is broken into segments that maintain the established proportions.~~

**Inappropriate Treatment**



**Appropriate Treatment**

~~(4) Proportionality of windows.~~

- ~~(a) The ratio of the width of windows to the height of the windows shall complement the visual character of the district.~~
- ~~(b) Modifications to existing buildings shall maintain the existing proportionality. The modification of the facade of existing buildings to change or eliminate windows shall be done in a manner that maintains the established relationship of windows to wall. The "bricking up" of windows is discouraged unless the relationship can be maintained in other ways.~~
- ~~(c) Where an established pattern of window proportions exists among a group of buildings or along a block face, new or modified buildings shall maintain the established pattern.~~



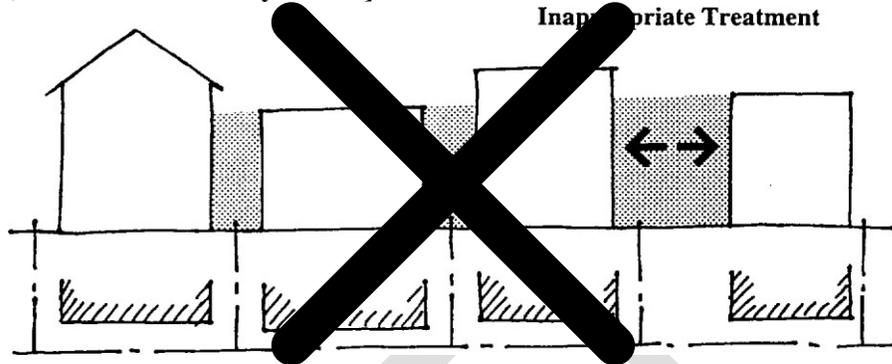
**Appropriate Treatment**



**Inappropriate Treatment**

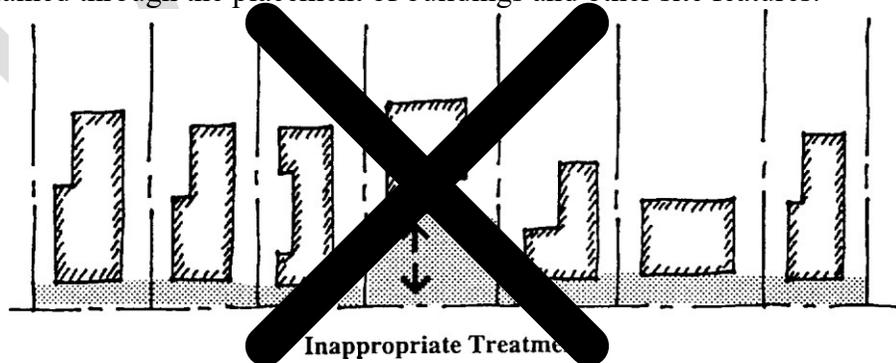
~~(5) Building spacing. In the Bar Harbor Village Area, where an established pattern exists with respect to the placement of buildings on the lot vis-a-vis the lot lines,~~

~~new or modified buildings shall reflect the established pattern to the extent allowed by the setback provisions of the district in which they are located. In an area where the existing buildings all extend the full width of the lot, constructing a new building so that it is set back from the lot line is not consistent with this guideline unless the setback is required to meet zoning requirements. [Amended 11-3-2009; 6-8-2010; 6-11-2024ATM by Art. 5]~~



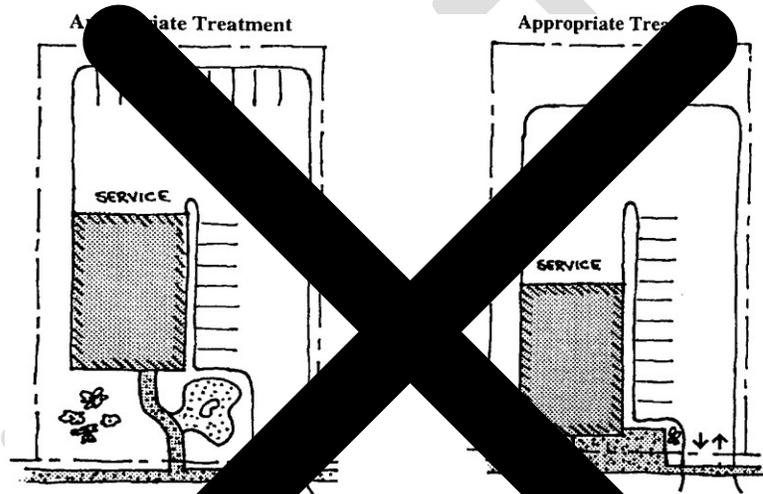
~~(6) Relationship of the building to the street.~~

- ~~(a) The relationship of a new or modified building or structure with the street shall visually complement neighboring buildings, the overall character of the district, and other buildings to which it is visually related to the extent permitted by the setback requirements of the district in which it is located.~~
- ~~(b) Where there is an established front setback pattern, new buildings or structures shall be located to maintain the established pattern if permitted by the zoning requirements. If an established pattern does not exist, new buildings shall be located in a manner that is compatible with the overall character of the district. New or reconstructed buildings shall be located on the lot so that the building is set back from the street no more than the average of the setbacks for buildings in similar locations in the district.~~
- ~~(c) For buildings on corner lots, the setback relationship on both streets shall be maintained through the placement of buildings and other site features.~~



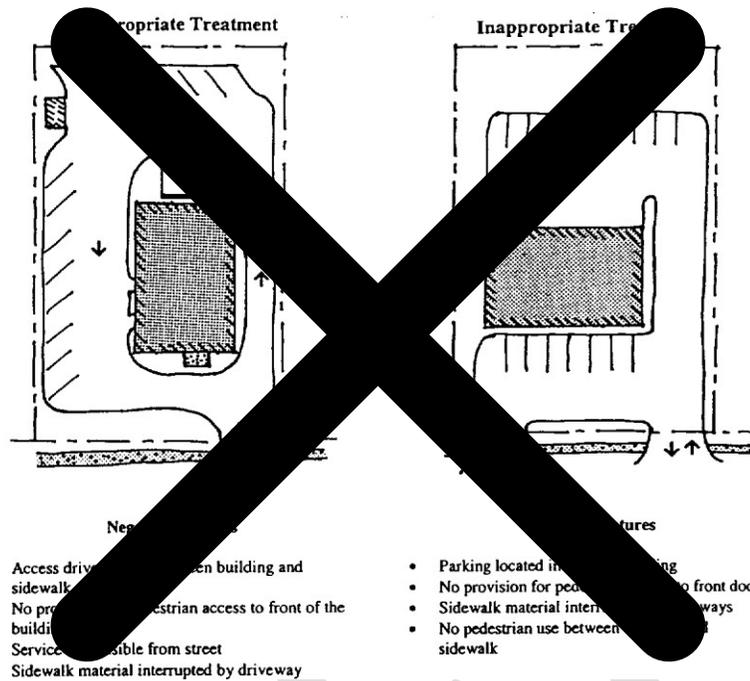
~~(7) Pedestrian relationships and facilities.~~

- (a) ~~Where sidewalks exist in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.~~
- (b) ~~The walkway to the front entrance shall be constructed with materials which contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.~~
- (c) ~~If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.~~



- Position
- Parking located to rear of building
  - Sidewalk leading to front door
  - Area in front of building used as pedestrian space
  - Sidewalk material maintained across the driveway
  - Service area located to rear and screened

- Position
- Parking located to side of building
  - Pedestrian access directly to side entrance
  - Sidewalk material maintained across driveway
  - Service area located to rear and screened



~~(8) Motor vehicle facilities and services. The location and design of facilities for motor vehicles, including parking lots, driveways, access roads, drive-through facilities, and service and fueling areas, shall visually complement the overall character of the district. The design of the site shall also conform to the following standards:~~

- ~~(a) Vehicular facilities shall not be located between the front of the building and the street.~~
- ~~(b) Access drives, driveways, and entrances or exits to drive-through services shall not pass between the building and the sidewalk where a sidewalk exists.~~
- ~~(c) Parking lots shall be located to the side or rear of the building.~~
- ~~(d) Overhead doors and service areas shall be located on the side or rear of the building and must be screened from view from a public street.~~
- ~~(e) Drive through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the front of the building and the street or in other areas where it is visually incompatible.~~

~~(9) Multiple buildings on a lot in the Town Hill Village Area. In the Town Hill Village Area, the layout of buildings on a lot shall reflect the layout of other lots in the district with multiple buildings. The arrangement of the buildings should be visually compatible with the street and with the buildings on the lot. [Added 11-3-2009; amended 6-11-2024ATM by Art. 5]~~

~~(10) Viewshed in Town Hill Village Area. Building height and placement are subject to further review in the Town Hill Village Area to determine any visual impacts to~~

retain the vista along Route 102 from the Crooked Road intersection to the Pine Heath Road intersection. ~~[Added 11-3-2009; amended 6-11-2024ATM by Art. 5]~~

~~C. Standards for materials and design details for structural projects. The following standards are intended to assure that proposals conform to the quality of design that has historically been associated with buildings within the district. The structural standards have been designed to promote compatibility with Bar Harbor's historic character and its scenic location. Certain types of design are inappropriate within the designated Design Review Overlay Districts since they will not meet these standards and thus do not enhance the existing visual character or preserve Bar Harbor's uniqueness. [Amended 11-3-2009]~~

~~(1) Construction standards. With the advent of many new exterior materials, the standards are not intended to prohibit the use of all new materials. Therefore, any quality material that simulates traditional features will be evaluated on a case-by-case basis. The following standards apply to the construction of new buildings, additions to existing buildings, reconstruction, and major renovations:~~

~~(a) Siding material.~~

~~[1] Siding is applied as the exposed surface on the outside walls of buildings to provide a barrier against the penetration and infiltration of weather and at the same time enhance the visual and architectural quality of the structure in keeping with other buildings in the district. The selected siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related.~~

~~[2] The siding used on the building should be a material that is in common use within the overlay district. The following are appropriate siding materials:~~

~~[a] Clapboards/shiplap.~~

~~[b] Shingles/shakes.~~

~~[c] Stucco/concrete. Stucco with wood trim interruption (English Tudor) is acceptable. Concrete block and poured or precast concrete are acceptable for foundation and fire walls but are generally not appropriate for wall surfaces that can be seen from a public street. Masonry products designed to replicate other appropriate materials are acceptable siding.~~

~~[d] Brick.~~

~~[e] Stone.~~

~~[f] Vinyl/metal siding. Vinyl or metal siding designed to replicate traditional siding material is appropriate but flat or corrugated metal or plastic panels are inappropriate as siding within the district.~~

~~[g] In the Town Hill Village Area, barn board, and board and batten.~~

~~[Amended 6-11-2024ATM by Art. 5]~~

~~[3] Unfinished plywood or composite flat sheet products are not appropriate siding materials, except for areas that cannot be seen from a public street.  
[Amended 6-11-2024ATM by Art. 5]~~

~~(b) Exterior finishes. The exterior finish of a structure represents the final completion stage. Although this stage is one of the simplest to alter, it is one of the most visible aspects of a building, therefore great care must be taken in the selection of the exterior finish for any structure. The following standards shall be used for determining acceptable finish choices:~~

~~[1] The colors shall be based upon the architectural style of the structure as well as the period in which it was built;~~

~~[2] The selected colors shall reflect hues and shades which were available in the era and style depicted;~~

~~[3] The paint colors shall be harmonious to and blend in with the immediately adjacent structures in the area.~~

~~(c) Windows.~~

~~[1] Windows are glassed openings in the exterior walls of buildings to admit light and air, allow for viewing, permit merchandise display, and to enhance the architectural beauty of the structure. The windows in a building shall be visually compatible. Almost any style is appropriate as long as the size is proportional to the building and maintains the architectural continuity of the building. [2] Materials are appropriate if they simulate traditional materials or are visually compatible with other components of the building.~~

~~(d) Doors and doorways (in the Bar Harbor Village Area only). [Amended 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~[1] Doors are a means of safe and orderly entrance to and egress from buildings. As the entrance to the building, the front or main door is often the focal point of the principal facade. Therefore, care must be taken in designing the doorway and selecting a door that is visually compatible with the structure.~~

~~[2] Doors and doorways shall conform to the following standards:~~

~~[a] Major store entrance doors shall be recessed from the property line so as not to interfere with pedestrian traffic when they are opened.~~

~~[b] Front doors shall have transoms above to the full height of store windows if this is consistent with the established pattern of other entrance doors.~~

~~(e) Roofing.~~

~~[1] Roofing is intended to protect the horizontal portions of a building from the penetration and infiltration of weather while maintaining the architectural integrity of the structure. The roofing material and color, if visible from a public street, shall be selected to be visually compatible with the style of the building and the other exterior finishes and colors.~~

~~[2] In the Bar Harbor Village Area, brightly colored metal, plastic or fiberglass roofing is visually incompatible with the character of the district and therefore inappropriate. [Amended 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~[3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building and its environs.~~

~~[4] In the Bar Harbor Village Area, appropriate roof colors include neutral shades such as earth tones, greys, and black. Bright or primary colors are not appropriate. [Amended 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~(f) Trim.~~

~~[1] Trim is the molded and projecting woodwork or stonework which frames a building and its changes in direction in an aesthetically pleasing or bold fashion. The trim shall be visually compatible with the style of the building and the other exterior finishes.~~

~~[2] The following materials are appropriate for use as trim: wood, stone, brick, vinyl, and metal.~~

~~[3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.~~

~~[4] Trim materials may be mixed and matched as long as the style and color of the trim are consistent and visually compatible with the other elements of the building.~~

~~(g) Entrances.~~

~~[1] In the Bar Harbor Village Area, an entrance is much more than a doorway. It is a means of getting from the street to the front door and may include changes in grade, protection from the elements, and/or a degree of landscaping and lighting. The entrance to the building shall be visually compatible with the overall building treatment and should be the focal point of the facade. The entrance shall be designed and placed to have both a visual and functional relationship to the street and sidewalk. [Amended 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~[2] The following are appropriate design treatments for entrances: porticos, porches, decks, steps/ramps, and canopies/awnings. Awnings and canopies must be attached to the structure and shall function as an~~

~~extension of the building. Freestanding accessory structures such as tents or canopies at the front of the building are incompatible with the existing visual character of the district and shall not be allowed. Standards for awnings and canopies are in a later section.<sup>8</sup>~~

~~[3]—The following are appropriate materials for use in entrances: wood, vinyl, tile, stucco, stone, brick, concrete, canvas, fiberglass, and metal.~~

~~[4]—Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.~~

~~(2)—Relocation/demolition standards. The demolition or relocation of the building should occur in a timely manner. After the relocation or demolition has occurred, the lot must be cleared, graded, and replanted within 30 days of the completion of the work and maintained until the lot is reused.~~

~~(3)—Standards for seasonal closures.~~

~~(a)—The Town of Bar Harbor discourages the seasonal boarding up of businesses. No matter how much effort is put into making these closures look attractive, they give the Town the appearance of being shut down, which is detrimental not only to those businesses that remain open and to potential customers, but also to local citizens and guests who view them during the off-season. The Board strongly discourages the placement of closure treatments involving the covering of display windows before January 1.~~

~~(b)—Provisions for the seasonal closure of a business shall:~~

~~[1]—Be visually compatible with the building.~~

~~[2]—Be architecturally similar to the building materials, design, and color.~~

~~[3]—Fit appropriately in the space being enclosed.~~

~~[4]—Be safely and securely attached.~~

~~[5]—Have a neat and clean appearance.~~

~~(c)—The most appropriate approach to the seasonal closure of a business is for signs and window displays to remain in place. Where this is not possible or desirable, other appropriate approaches include leaving display spaces and windows empty, installing storm doors and windows, and installing wood panels or shutters over openings.~~

~~(d)—Closure provisions that cover windows or display spaces with materials such as bed sheets, paper, tarps, cardboard, or bubble wrap or soaped or painted glass are inappropriate.~~

~~(e)—Signs shall be left in place or removed. The covering or wrapping of signs with tarp or other plastic materials is not appropriate. The use of a canvas cloth covering the sign, and bearing the name of the business, is encouraged.~~

~~D. Standards for materials and design details for accessory projects. The following standards apply to projects that do not involve the actual structure of the building but significantly impact upon the visual environment and the compatibility of the building with the character of district. Separate standards are provided for awnings, canopies, and umbrellas, outdoor displays, lighting, and landscaping. The accessory standards have been designed to promote compatibility with the district's historic character and its scenic location.~~

~~(1) Standards for awnings, canopies, and umbrellas. The objective of the Town is to encourage property owners and businesses to make permanent improvements to the property in the district. Therefore, the use of temporary structures is discouraged. At the same time, the Board recognizes that awnings, canopies, and umbrellas can provide cover, add color, provide shade, and serve as a transition between the storefront and the upper facade in the case of awnings and canopies.~~

~~(a) General standards.~~

~~[1] Rigid or fixed awnings, sunscreens, umbrellas, or permanent canopies are not appropriate on any portion of the premises or building unless the proposed awning, sunscreen, umbrella, or permanent canopy is visually compatible with the building and its surrounding area considering the following:~~

~~[a] Its compatibility with the topography of the area.~~

~~[b] That it is customary and incidental to the activity being housed in the building or appropriate for that location due to unique circumstances.~~

~~[c] Its compatibility with similar elements of adjacent properties.~~

~~[d] That it is designed so that it will not cover unique or architecturally significant building features.<sup>9</sup>~~

~~(b) Location and size of awnings and canopies:~~

~~[1] Awnings shall extend at least the full width of existing window and door frames on the first floor.~~

~~[2] Awnings on upper floor windows shall be installed over individual windows and shall complement the window design, building architecture, and color.~~

~~[3] Canopies or awnings shall be attached to the building and not extend more than 12 feet from the wall (toward the street) to which they are attached. In the case where an awning follows another existing wall of the building at right angles (such as an L or a U), it may extend out to the point where it is parallel with the portion of the building closest to the street.~~

~~[4] Freestanding canopies or tents are inappropriate for ongoing use. Tents are appropriate for use for periods of not more than 72 hours with prior approval of the Code Enforcement Officer and shall only be used for appropriate outdoor functions, such as art shows, festivals, fairs, weddings, and similar events.~~

~~[5] A street level awning shall be at least 18 inches behind the curb.~~

~~(c) Awning design.~~

~~[1] Awning construction and materials offer different patterns and shapes. There are three basic shapes: 1/4 barrel, shed, and domes.~~

~~[2] The design review standards are not intended to restrict the shape of awnings; however, the design shall be visually compatible with and maintain the character of the building. Side panels on awnings are discouraged but are permitted if they are graphically treated so as to make the panel compatible with the overall design of the building.~~

~~(d) Awning color. The color of the material, and any graphics, stripping, or pattern, shall be compatible with the building architecture, materials, and color.~~

~~(e) Awning materials.~~

~~[1] The most common awning materials are canvas, vinyl, vinyl-coated canvas, and canvas-like synthetic materials. Glossy finish vinyl is not appropriate. Synthetic canvas is available in acrylics, polyesters, nylons, and other man-made materials. Any of these materials are appropriate.~~

~~[2] Metal awnings and glass canopies detract from the historic character of the community and are not appropriate.~~

~~(f) Awning lighting. Lighting shall conform to the requirements in § 125-67Z, Lighting Ordinance. [Amended 6-9-2009]~~

~~(2) \_\_\_\_\_  
(Reserved)~~

~~(3) \_\_\_\_\_ Landscaping standards. The landscaping standards are intended to maintain and enrich the character and beauty of the Town through the regulation of landscaping which provides aesthetically pleasing scenery, shelter and food for wildlife, natural boundaries and buffers for people, and the control of erosion. The landscaping in conjunction with the construction of a new building or an addition to existing buildings, or major landscaping projects that significantly alter the exterior appearance of a building that is used in whole or in part for nonresidential purposes, is subject to approval by the Design Review Board.~~

~~(a) Materials.~~

~~[1] Materials and types of vegetation for landscaping are too numerous to list and most are acceptable; however, the material chosen shall be visually compatible with the building.~~

~~[2] The use of invasive species as listed by the University of Maine Cooperative Extension is discouraged. **[Added 11-3-2009]**~~

~~(b) Design. The design of the landscape should enhance the appearance of the building as well as the grounds. Landscaping shall not block unique architectural features of the building or appear disproportional to the lot and building size.~~

~~(c) Town Hill Village Area plantings shall include street tree plantings. Parking areas shall be screened from Route 102. Shrubs and other materials shall enhance the buildings. All other requirements in § 125-67H shall be followed. **[Added 11-3-2009; amended 6-11-2024 ATM by Art. 5]**~~

~~E. Standards for historic buildings. The standards, as applicable in the opinion of the Design Review Board, outlined in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, as most recently updated, shall apply to all preservation measures, demolition, relocation and renovations of buildings and structures classified as historic in accordance with § 125-112D(1). Additionally, the following standards apply: **[Amended 11-2-2004]**~~

~~(1) Preservation of an historic building. A building or structure classified as historic, or any part or appurtenance, including but not limited to stone walls, fences, light fixtures, steps, paving, and signs, shall only be moved, reconstructed, altered, or maintained in a manner which will preserve the historic and architectural character of the building, structure or appurtenance. Provisions for handicapped access as required by state and federal law shall be provided in a manner which preserves the historic and architectural character of the building or structure.~~

~~(2) Demolition of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the demolition of an historic~~

~~building only if the property owner shows that the preservation of the building is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes its retention infeasible.~~

~~(3) Relocation of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the relocation of an historic building to another site only if it is shown that the preservation on its existing site is not consistent with the purposes of this article, that the building cannot be preserved because of the structural~~

~~condition of the building, or the cost of renovations makes the retention infeasible.~~

~~(4) ————— Renovation or expansion of an historic building.~~

~~(a) — The design review requirements are intended to preserve and protect, improve, and enhance the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the district. Those buildings classified as historic possess identified historic or architectural merit of a degree warranting their preservation. Any building designated as historic shall retain all of its original features to the maximum extent feasible. Modifications or additions shall maintain the architectural style and treatment of the original building.~~

~~(b) — The following standards shall apply to the renovation or expansion of an historic building:~~

~~[1] — All materials shall match the original materials in texture, dimension, color, location, and design.~~

~~[2] — Existing features such as porches, steps, handrails, balusters, cornices, columns, lintels, windows, fixtures, hardware, doors, and roofs shall be retained.~~

~~[3] — The design of any modification of or addition to the existing building shall maintain the architectural style of the existing building and shall conform to the existing treatment with respect to trim and exterior finishes.~~

~~[4] — Handicapped access shall be located and constructed so as not to obscure character defining features of the entranceway or porch.~~

~~[5] — Porches and steps shall not be enclosed in a manner that destroys their intended appearance.~~

~~[6] — The selected paint colors shall be consistent with Subsection C(1)(b).~~

F. Other standards. **[Added 11-3-2009]**

~~(1) —————<sup>12</sup>  
(Reserved)~~

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## **§125-110 GENERAL PROVISIONS**

A. **Purpose and intent.** The purpose of this Article is to give the Town its distinctive character, educate the community about its past, and attract new residents and visitors by providing a legal framework to protect the historical, architectural, and cultural heritage of significant areas, landmarks, and sites in Bar Harbor. 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, historic properties, and locally significant properties 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 area in which they are constructed. B. **In this Article:**

- (1) All references to ‘structure’ are to be interpreted to also include signs.
- (2) The term ‘site’ includes lots and any type of landmark not already included in the definition of ‘structure’.
- (3) The term ‘property’ refers to both structures and sites.
- (4) Appendix A is a list of the properties meeting one or more of the criteria for significant property.

C. **Classification of property (structures and sites).** All property within the Design Review Board jurisdiction is classified as one or more of the following:

- (1) **Significant:** Historic and locally-significant property listed in Appendix A.
- (2) **Historic:** Property listed in Appendix A that is also listed in the National Register of Historic Places.
- (3) **Locally-significant:** Property listed in Appendix A that is not listed in the National Register of Historic Places.
- (4) **Non-historic:** Property not listed in Appendix A.

## **§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.
- C. Interior architectural elements are not covered under the Board’s jurisdiction and are therefore not subject to the provisions in the Article.
- D. The Board’s jurisdiction extends only to the items and activities herein that are visible from any water body or public way. 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.

(5) **The Design Review Board's jurisdiction also includes the following:**

- (a) All properties and structures listed in Appendix A.
- (b) All internally illuminated signs.
- (c) All multi-tenant signage plans.

- (d) All parking garage uses in the Scientific Research for Eleemosynary Purposes, Educational Institutions, and Bar Harbor Gateway districts.

**§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 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 paint color charts. The color charts 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 charts require approval by the Board.

- E. The installation of retractable fabric awnings with solid or striped color if selected from the Boardapproved color charts. The color charts may be obtained from the Planning Director and updated from time to time under the Board's approval. Colors not listed on the color charts require approval by the Board.
- F. The installation of a roof-mounted solar photovoltaic system as an accessory use.
- 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.

**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**



- D. Erection of new internally illuminated sign, or the relocation or modification of an existing internally illuminated sign.
- E. Demolition or relocation of a significant property.

## **§125-114 APPLICATION PROCEDURES**

### **A. Application submission**

- (1) The applicant must provide three copies of the completed application form and all required submission items.
- (2) The submitted information will be used by the Planning Director and the Board to evaluate whether the project meets the standards and is appropriate.
- (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 next 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 on the bulletin board in the Municipal Building, on the Town calendar, and on the Town website 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 by the Board. They may be represented by an authorized agent. 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 standards of this Article.
- (3) If the Board finds the application meets the standards of evaluation in this Article, it must issue a decision, signed by the Chair, including conditions of approval, if applicable, 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.
- (4) If the Board finds the application does not meet the standards of evaluation in this Article, 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.

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

The applicant must illustrate how the project is visually compatible with its surroundings when viewed from any water body or public way, and demonstrate how it meets the visual and physical standards outlined below. Accessory structures must be visually compatible with their principal building(s). These design standards apply only to elements and activities within the Board's jurisdiction.

#### **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: the size and mass of the structure must be visually compatible with its surroundings as well as its windows, door openings, porches, balconies, and

other openings. The size and mass of proposed structures should not be overpowering as 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 their relationship to sidewalks.
- (9) Buildings used for retail or other public uses should have clearly defined entrances.
- (10) Rhythm of spacing and structures on streets, including the relationship between:
  - (a) A structure and its related features.
  - (b) The open space between structures.
  - (c) Structure setbacks from the public way.
  - (d) The orientation of structures on their lots.
- (11) 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 (e.g. tall windows, strong upward lines, steep roofs), horizontal (e.g. long facades, wide porches, horizontal trim or siding), or nondirectional (e.g. no strong design elements that pull the eye up-and-down or side-to-side; appears balanced, neutral, or symmetrical).
- (12) 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.

(13) Fire escapes must be located on the sides or rear of the structure, where site conditions and design restraints allow.

**B. Utility Standard**

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

**C. Pedestrian Access Standard**

Where sidewalks exist or are proposed on a site with a primary structure, the site design must include a continuous pedestrian access route to the main entrance of that structure. Where feasible, such route must be designed so that pedestrians are not required to cross vehicular travel lanes, parking areas, or driveways.

**D. Motor Vehicle Facility and Service Standard**

Motor vehicular facilities and services, which include parking lots, driveways, drivethroughs, overhead garage doors, service areas, fueling stations, charging areas, and other forms of vehicle access, must be located on the sides or rear of a structure and must be screened from view of any public way.

**E. Awning Standards**

These standards apply to the color and design of awnings that are attached to structures. They are not intended to restrict the shape of awnings. The color and design of the awnings should be visually compatible with and maintain the character of the structure.

- (1) The awning frame must be at least 8 feet above any pedestrian walkway.
- (2) The awning frame must be at least 18 inches behind the curb.
- (3) Valances must be no longer than 10 inches.
- (4) Lettering no more than 8 inches in height is permitted on the valances.
- (5) Lettering is considered signage and must comply with §125-67BB.
- (6) Unique or architecturally significant features should not be hidden by any part of the awning.
- (7) Glossy finish vinyl as a material is inappropriate.

(8) Lighting must conform with §125-67Z.

**F. Portable Shelter Standards**

- (1) A portable shelter may be installed for a period not exceeding 72 hours, subject to a permit issued by the Code Enforcement Officer.
- (2) A portable shelter may be installed for a period exceeding 72 hours only for health and safety purposes, after review and approval by the Board, subject to a permit issued by the Code Enforcement Officer.
- (3) Lettering and/or graphics on portable shelters is considered signage and must comply with §125-67BB.

**G. 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 landscape design should enhance the appearance of the structure as well as the grounds. Unique architectural features of the structure should not be hidden by landscaping or appear disproportional to the lot and structure size.
- (3) In the Town Hill Village Area:
  - (a) Plantings should include trees along the roads to enhance shade, aesthetics, and streetscape.
  - (b) Parking areas must be screened from Route 102.
  - (c) Shrubs and other materials should enhance the structures.

**H. Fencing and Freestanding Wall Standard**

Proposed fencing and freestanding walls must be visually compatible with their surroundings.

**I. 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 signs are visually compatible with one another and their surroundings. 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 property owner establishing design guidelines for tenant signage. The plan, at minimum, must include allowable square footage for each tenant unit and any restrictions. 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 granted by the Board remains 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 Board. Modifications include, but are not limited to, changes in size, color, lighting, graphic design or relocation.

- A. **Types of Internally Illuminated Signs**
  - (1) **TYPE 1 – Cabinet with Translucent Face: An internally illuminated sign with a cabinet-style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.**
  - (2) **TYPE 2 – Cabinet with Light-Limiting Face: An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:**
    - (a) **Type 2-A: 20% (or less) translucent face/80% (or greater) opaque background field.**

- (b) **Type 2-B:** 30% (or less) translucent face/70% (or greater) opaque background field.
- (3) **TYPE 3 – Channel Letter:** An internally illuminated sign comprised of threedimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.
- (4) **TYPE 4 – HALO:** An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics or cast light backward onto the face of the sign or structure upon which the graphics are mounted.
- (5) **TYPE 5 – Push-Through Lettering:** An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to ½ inch in depth. This type of sign has two acceptable categories:

  - (a) **Type 5-A:** 20% (or less) translucent face/80% (or greater) opaque background field.
  - (b) **Type 5-B:** 30% (or less) translucent face/70% (or greater) opaque background field.

- (6) **TYPE 6 – Neon Signs:** A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” must also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.
- (7) **TYPE 7 – Digital signs and programmable message boards** are digital displays using LEDs to show text, graphics, animations, and videos that change at different speeds or intervals.

**B. Standards for Internally Illuminated Signs**

- (1) Internally illuminated signs of Type 2-A and Type 5-A are allowed.
- (2) Internally illuminated signs of Type 1, Type 3, and Type 4 are prohibited.
- (3) Internally illuminated signs of Type 2-B and Type 5-B are allowed only on lots with frontage on Route 102, Route 3, or Route 233, except for lots with frontage on the

section of Route 3 beginning on the eastern side of Eddie Brook and ending on the south side of Cromwell Brook.

- (4) Exterior signs of Type 6 are prohibited, except those containing only the words “Vacancy” or “No Vacancy” and limited to a maximum sign area of two square feet for transient accommodations located in business and corridor zoning districts.
- (5) Internally illuminated signs of Type 7 are prohibited from using scrolling, animation, excessive flashing, rapid transitions, or videos, except for use in public safety and public transportation applications.

### **§125-118 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 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.
  - (1) **Standards for Rehabilitation**
    - (a) A property will be used as it was historically or be given a new use that requires 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, material. 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) Historic or 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 finishes 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) Historic or 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) Historic property, 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 they are rehabilitated or restored.

**§125-119 RELOCATION OR DEMOLITION OF SIGNIFICANT PROPERTY**

A. **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.

B. **Review and approval.** A property owner requesting a permit for the relocation or demolition of significant property from the Code Enforcement Officer must first have received approval from the Design Review Board and have been issued a Certificate of Appropriateness from the Code Enforcement Officer.

- C. **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 activities.
- D. **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 §125-120B are satisfied.
- E. **Demolition of a significant structure.** There are two paths forward for the demolition of a significant structure:

(1) **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 demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, granted 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 and 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.

(2) **Delayed demolition**

If it is determined the structure should be preserved, and therefore the Board does not approve demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, 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) 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.

**(3) Posting of public notice for demolition**

Notice of demolition activities is required as follows for both demolition processes described in (1) and (2) of Subsection E. Public notices must include property information such as property address and contact information for owner and applicant, and a description of the proposed demolition to include demolition type, extent, reason, proposed reuse and/or replacement, and the contact phone number and email address of the Planning Director. Within 30 calendar days of Board approval of the immediate or delayed demolition of a significant structure:

- (a) The Planning Director must:

[1] 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.

[2] Post a notice in a printed newspaper of general circulation at least twice, with cost to be paid by the applicant.

(b) The applicant must:

[1] Post a notice of demolition at the site of the proposed demolition. The notice must be prominently visible from the street 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. If demolition is permitted, the notice must be removed upon completion of demolition activities or 150 calendar days following receipt of a demolition permit, whichever occurs first. If the Board approves a demolition alternative after a delayed demolition determination, the applicant must remove the posted notice within 30 calendar days of the Board's approval.

**§125-120 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 have occurred that contributed 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 that contribute to the visual continuity of a historic district.
- (6) Structures or sites listed, or eligible for listing, on the National Register of Historic Places.

**B. Appendix A:**

- (1) The Board will annually review both the criteria for significant properties and the properties included in Appendix A, and will make recommendations for modifications to the criteria and additions to, or deletions from, Appendix A as it deems necessary to accomplish the objectives of these design review provisions.
- (2) Recommendations for addition to, or deletion from, Appendix A of significant property outside the jurisdiction of the Board will be considered at the request of the property owner only.
- (3) An application for designation or exclusion of significant property in or from Appendix A must be in writing from the property owner and must include the required information in §125-121C.

**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-historic 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-historic structures in the jurisdiction's proposed expansion.

(5) A map showing all structures in the proposed jurisdiction expansion area with an identification of significant structures.

F. **Review, studies, and recommendations:** The Board must have a meeting within 30 calendar days from the date of receipt of an application to formulate a recommendation concerning the proposed amendment. 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. 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 60 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.

#### **§125-121 ADMINISTRATION AND ENFORCEMENT**

- A. A Certificate of Appropriateness issued for a project will remain in effect provided that all design elements subject to the standards of this Article remain unchanged. Any modification to the approved design requires the submission of revised application materials to the Planning Director for review by the Board.
- B. This Article is administered by the Board and enforced by the Code Enforcement Officer.

[End of Order]

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WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT - Campgrounds and Individual Private Campsites** – Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to definitions and standards for Campgrounds and Individual Private Campsites**” be enacted?

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SUMMARY

The amendment would standardize campground and camping-related definitions to clarify terminology and allowed uses across all zoning districts. It would expressly allow Individual Private Campsite as a principal use in certain districts, effectively removing it as an accessory use. Standards for Individual Private Campsites would be consolidated into a single section of the Land Use Ordinance to facilitate consistent application town-wide.

GENERAL EXPLANATION

This amendment would:

1. Establish a single definition of Campground applicable to all zoning districts, eliminating the distinction between shoreland and non-shoreland districts.
2. Amend the Campgrounds section of the Standards for Particular Uses, Structures or Activities §125-69C to remove the shoreland requirement because Campgrounds are not allowed in any shoreland districts.
3. Revise the definition of Recreational Vehicle and add new definitions for Camping, Campsite, and Camping Unit.
4. Delete the term Private Campsite and replace it with Individual Private Campsite.
5. Expressly allow Individual Private Campsite as a principal use in certain districts and, therefore, remove its allowance as an accessory use in all districts.
6. Add Individual Private Campsite as an allowed use in the following districts: Hulls Cove Business; Hulls Cove Rural; Indian Point Residential; Indian Point Rural; McFarland Hill Residential; McFarland Hill Rural; Otter Creek; Salisbury Cove Residential; Salisbury Cove Rural; Town Hill Business; Town Hill Residential Corridor; Town Hill Residential; and Town Hill Rural.
7. Relocate the Private Campsite standards from the Shoreland Standards section §125-68B(22) to the Standards for Particular Uses, Structures or Activities, as section §125-69D, Individual Private Campsite.

Private Campsite is an existing allowed use in all shoreland districts, per the Shoreland standards, §125-68B(22). However, Private Campsite is not listed in Article III, Land Use Activities and Standards, as an allowed use for individual shoreland districts, where allowed uses for all other districts are listed. Relocating the Private Campsite standards from §125-68B(22) to §125-69D would prohibit this use in all shoreland districts unless listed as an allowed use in Article III. To preserve the allowed use of Private Campsite—proposed to be renamed Individual Private Campsite—in certain shoreland districts, this amendment would:

- A. Add Individual Private Campsite to the list of allowed uses in Article III in the following shoreland districts: Shoreland Limited Residential; Shoreland General

Development II (Hulls Cove); Shoreland General Development III; and Shoreland General Development IV.

- B. Exclude Individual Private Campsite from the list of allowed uses in Article III, thus prohibiting them, in the following shoreland districts: Resource Protection; Shoreland General Development I; Shoreland Maritime Activities; Stream Protection; and Marine Research.

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LUO Amendment #LUO-2026-02  
**Campground and Individual Private Campsites**  
Town of Bar Harbor

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

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

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

**Chapter 125 , LAND USE ORDINANCE**

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

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**§125-24 Hulls Cove Business**

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

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

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### **§125-27 Hulls Cove Rural**

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Commercial stable

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

#### Individual Private Campsite

Lumberyard or sawmill

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

~~Uses or small structures accessory to permitted uses or structures~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

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### **§125-28 Indian Point Residential**

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

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

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### **§125-29 Indian Point Rural**

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

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### **§125-33 McFarland Hill Residential**

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

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### **§125-34 McFarland Hill Rural**

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

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### **§125-35 Otter Creek**

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-38 Salisbury Cove Residential**

\*\*\*

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

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-39 Salisbury Cove Rural**

\*\*\*

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

**§125-43 Town Hill Business**

\*\*\*

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

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Individual Private Campsite

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

~~Uses or small structures accessory to permitted uses or structures~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

\*\*\*

### **§125-44 Town Hill Residential Corridor**

\*\*\*

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

\*\*\*

### **§125-45 Town Hill Residential**

\*\*\*

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Undertaking establishment

\*\*\*

### **§125-46 Town Hill Rural**

\*\*\*

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

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Private school

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

~~Uses or small structures accessory to permitted uses or structures~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

\*\*\*

### **§125-48 Shoreland Limited Residential**

\*\*\*

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

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

\*\*\*

### **§125-49 Shoreland General Development II (Hulls Cove)**

\*\*\*

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

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

\*\*\*

### **§125-49.1 Shoreland General Development III**

\*\*\*

C. Allowed Uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); Individual Private Campsite; multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; Shared accommodations (SA-1); single-family dwelling; and two-family dwelling.

\*\*\*

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

\*\*\*

C. Allowed Uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, artist studio, home occupation, Individual Private Campsite, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

\*\*\*

## Article V. Site Plan Review

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### §125-68 Shoreland standards

\*\*\*

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

\*\*\*

~~(22) Private campsites. Individual, private campsites not associated with campgrounds are allowed, provided that the following conditions are met:~~

- ~~(a) One campsite per lot existing on the effective date of this chapter, or 30,000 square feet of lot area within a shoreland district, whichever is less, may be permitted.~~
- ~~(b) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high water line of a great pond classified GPA or river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.~~
- ~~(c) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation, except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.~~
- ~~(d) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a resource protection district shall be limited to 1,000 square feet.~~
- ~~(e) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local Plumbing Inspector. Where disposal is off site, written authorization from the receiving facility or landowner is required.~~
- ~~(f) A recreational vehicle, tent or similar shelter may not be placed on site for more than 120 days per year.~~
- ~~(g) Individual, private campsites are for personal use of the property owner and may not be rented or leased.~~

(22) Individual private campsites. Refer to 125-69.D.

\*\*\*

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

\*\*\*

C. Campgrounds. All site plans for proposed campground development shall demonstrate that:

- (1) The applicant has obtained all required state permits and licenses.
- (2) Each ~~recreational vehicle, tent, or shelter site~~ campsite shall contain a minimum of 5,000 ~~square feet of suitable land in shoreland areas and~~ 2,500 square feet of suitable land ~~in inland areas~~, not including driveways and roads, for each site. Land supporting wetland vegetation and land below the normal ~~high-water~~ high-water line of a water body shall not be included in calculating land area per site.
- (3) The area intended for placement of the ~~recreational vehicle, tent, or shelter site~~ campsite and utility and service buildings shall be set back a minimum of 50 feet from the exterior lot lines of the camping area, 100 feet from the normal ~~high-water~~ high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet from the normal ~~high-water~~ high-water line of a tributary stream, upland edge of a wetland or any other body of water.
- (4) The campground shall be screened from all abutting areas.
- (5) Each ~~recreational vehicle, tent, or shelter site~~ campsite shall be provided with a trash receptacle.

D. Individual private campsite. Individual private campsites not associated with campgrounds are allowed, provided that the following conditions are met:

- (1) A Maximum of one Individual Private Campsite per lot is permitted. ~~existing on the effective date of this chapter, or 30,000 square feet of lot area within a shoreland district, whichever is less, may be permitted.~~
- (2) Individual private campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) A maximum of one recreational vehicle shall be allowed on an individual private campsite. The recreational vehicle shall not be located on any type of permanent foundation, except for a gravel pad, and no structure, except a canopy, shall be attached to the recreational vehicle.
- (4) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each individual private campsite and shall be approved by the local Plumbing Inspector. If disposal is off site, written authorization from the receiving facility or landowner is required.
- (5) A campsite may not have a camping unit placed on site for more than 120 days per year.

(6) Individual private campsites are for personal use of the property owner and may not be rented or leased.

\*\*\*

## Article XII. Construction and Definitions

\*\*\*

### §125-109 Definitions

\*\*\*

~~CAMPGROUND—Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles or towed travel trailers for compensation. Accessory uses, subject to a site plan review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services and the like.~~

~~CAMPGROUND (SHORELAND DISTRICTS)—Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.~~

~~CAMPSITE, PRIVATE—An area of land which is not associated with a campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.~~

~~RECREATION VEHICLE—A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with any state's division of motor vehicles.~~

~~TENT—A temporary collapsible shelter of canvas or similar material stretched and sustained by poles made fast by ropes attached to pegs into the ground and used for camping outdoors or as a temporary building.~~

CAMPGROUND - An area or tract of land developed with two (2) or more campsites used for Camping Units and operating for no more than 180-days per year. A Campground may also include accessory uses and structures that support the use of Camping Units.

CAMPING – The activity of living temporarily within a Camping Unit, located on a campsite at a Campground or Individual Private Campsite.

CAMPING UNIT - A tent, tarp, lean-to, platform or a recreational vehicle.

CAMPSITE – An area within a Campground for placing a Camping Unit.

INDIVIDUAL PRIVATE CAMPSITE - An area of land which is not associated with a Campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

RECREATIONAL VEHICLE - A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons which is not a dwelling. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be currently registered with any state's division of motor vehicles.

TENT - A temporary collapsible shelter of canvas or similar material used for camping outdoors or as a temporary building.

DRAFT

LUO Amendment #LUO-2026-04, **Lodging Regulations**

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WARRANT ARTICLE

**Article X** – **LAND USE ORDINANCE AMENDMENT –Lodging Regulations** - Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to revise lodging definitions, establish minimum guest unit requirements and maximum transient guest limits for certain lodging uses, and remove some lodging uses from certain districts,**” be enacted?

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SUMMARY

The amendment would remove some lodging uses from certain districts, while allowing all existing lodging operations to continue as nonconforming uses without opportunity for expansion. The definition for Lodging II, III, VI, and VII would be changed to include minimum number of Guest Units and maximum Guest Capacity requirements. Guest Capacity would be calculated using the State Fire Marshal’s method.

EXPLANATION

The amendment would:

1. Replace the term Guest Room with Guest Unit and refine the definition of Guest Unit.
2. Create a definition of Guest Capacity for transient lodging accommodations and set a standard calculation method, based on the approach used by the State Fire Marshal’s Office.
3. Eliminate Lodging I (L1) as a land use from the ordinance. As a result, L1 would no longer be listed as an allowed use in the 11 districts in which it is presently permitted: Village Historic, Downtown Residential, Emery, Hulls Cove Residential Corridor, Hulls Cove Rural, McFarland Hill Residential, Otter Creek, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural. Existing L1 operations would be allowed to continue as legally non-conforming uses; however, any expansion would be prohibited.
4. Remove Lodging II (L2) as a permitted use in three districts: Village Residential, Downtown Village Transitional, and Town Hill Business. Existing L2 operations in those districts would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L2 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
5. Remove Lodging III (L3) as a permitted use in the Town Hill Business District. Existing L3 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L3 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
6. Remove Lodging IV (L4) as a permitted use in three districts: the Town Hill Business, Village Residential, and Shoreland General Development IV. Existing L4 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.
7. Remove Lodging V (L5) as a permitted use in two districts: Town Hill Business and

Shoreland Maritime Activities. Existing L5 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.

8. Amend the definition of Lodging VI (L6) to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
9. Remove Lodging VII (L7) as a permitted use in Town Hill Residential Corridor District. Existing L7 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. Add L7 as a permitted use in the Shoreland General Development IV District. It would also amend the definition of L7 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
10. Remove the allowance for expansion of nonconforming lodging uses.
11. Update the Mount Desert Street Corridor District purpose to reflect updated terms and allowed uses.
12. Align the parking standard for L2, L3, L6, and L7 with the new Guest Unit term.

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LUO Amendment #LUO-2026-04

**Lodging Regulations**

Town of Bar Harbor

**An amendment to the Land Use Ordinance**

**Articles III, IV, V, XII**

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

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

**Chapter 125 , LAND USE ORDINANCE**

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

**§ 125-16. General.**

All land use activities, regardless of whether they require a permit from the Code Enforcement Officer or site plan approval, shall comply with all applicable standards set forth in this article and in §§ 125-67, 125-68 and 125-69. All distances and heights in this article, unless otherwise stated, are in feet.

\*\*\*

**§ 125-18. Village Historic.**

\*\*\*

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

- (1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following

uses shall be permitted in the district: eleemosynary; ~~lodging I~~; private club.

\* \* \*

F. Other requirements.

a. The Planning Board shall ensure that parking for lodging I shall be shielded from the view of neighboring properties located to the side and rear of the property where the lodging I is located. Shielding shall consist of vegetative screening. [Also see parking requirements found in § 125-67B(4).]

\*\*\*

**§ 125-19. Mount Desert Street Corridor.**

A. Purpose. The Mount Desert Street Corridor District is part of an important historic entry corridor into the village business district. Existing developments of bed and breakfasts should be encouraged to remain, whereas property that is Properties that are redeveloped and/or infill development should be reviewed carefully to retain the historic character of this corridor.

\*\*\*

**§ 125-20. Village Residential.**

\*\*\*

D. Uses allowed by site plan.

\*\*\*

(2) Uses allowed by conditional use permit:

(a) For properties with road frontage on or access to Route 3 or 233: art gallery; farmers' market; ~~lodging II~~; ~~lodging IV~~; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

\*\*\*

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

\* \* \*

C. Allowed uses.

\*\*\*

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

\*\*\*

**§ 125-22. Downtown Residential.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Child-care center

Hospital

Lodging I

Lodging VII – Only for those portions of the district between Eden Street and the district boundary behind Kennebec Street; and from The Field south to Hancock Street. In addition, no building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.

Parking garage and parking lot

Place of worship

Road construction

Wireless communications facility

\*\*\*

**§ 125-23. Emery District.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Commercial boatyard

Commercial stable

Employee living quarters-2

Lodging I

Kennel, boarding

Municipal school

Noncommercial kennel

Noncommercial stable

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

\*\*\*

**§ 125-26. Hulls Cove Residential Corridor.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

Employee living quarters-2

Lodging I

Lodging VII – No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.

Multifamily dwelling II

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

\*\*\*

**§ 125-27. Hulls Cove Rural.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Employee living quarters-2

Lodging I

Mineral extraction

Mineral extraction and processing

Mobile home park

Municipal school

Place of worship

Retirement community

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

\*\*\*

~~G. Other requirements.~~

\*\*\*

**§ 125-33. McFarland Hill Residential.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Commercial stable
- Lodging I
- Municipal school
- Place of worship
- Road construction
- Solar photovoltaic system, principal use (SPVS-PU)
- Veterinary clinic
- Wireless communications facility

\*\*\*

**§ 125-35. Otter Creek.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Commercial stable
- Lodging I
- Municipal facility and grounds
- Place of worship
- Road construction
- Solar photovoltaic system, principal use (SPVS-PU)
- Veterinary clinic
- Wireless communications facility

\*\*\*

**§ 125-43 Town Hill Business.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Automobile repair garage
- Automobile sales lot
- Automobile service station
- Bank
- Campground
- Commercial boatyard
- Eleemosynary, educational or scientific institution
- Employee living quarters-1
- Food processing and freezing (excluding slaughterhouse)
- Food processing and freezing
- Hospital
- Light manufacturing/assembly plant

Lodging II  
Lodging III  
Lodging IV  
Lodging V

Mobile home park  
Multifamily dwelling II  
Municipal school  
Newspaper or printing facility  
Parking garage and parking lot  
Research facility  
Research production facility  
Road construction  
Shared accommodations (SA-2)  
Solar photovoltaic system, principal use (SPVS-PU)  
Terminal yard and trucking facility  
Upholstery shop  
Warehousing or storage facility  
Wholesale business establishment  
Wireless communications facility

\*\*\*

**§ 125-44. Town Hill Residential Corridor.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial  
Campground  
Cemetery  
Employee living quarters-2

Lodging I

~~Lodging VII—No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.~~

Multifamily dwelling II  
Municipal school  
Municipal facility and grounds  
Place of worship  
Road construction  
Solar photovoltaic system, principal use (SPVS-PU)  
Wireless communications facility

\*\*\*

**§ 125-45. Town Hill Residential.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters-2

**Lodging-I**

Lodging VII - Only from the north side of Route 3 shoreward for 500 feet from the Trenton Town line to Jones Marsh Resource Protection District

Marina

Mobile home park

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Solar photovoltaic system, principal use

Wireless communications facility

\*\*\*

#### **§ 125-46. Town Hill Rural.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Cemetery

Commercial boatyard

Commercial stable

Eleemosynary, educational or scientific institution

Employee living quarters-2

**Lodging-I**

Kennel, boarding

Mineral extraction

Mineral extraction and processing

Municipal school

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

\*\*\*

**H. Other requirements.**

\*\*\*

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

\*\*\*

D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: ~~lodging IV~~ ~~lodging VII~~, marina, retail (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.

\*\*\*

**§ 125-49.3. Shoreland Maritime Activities District.**

\*\*\*

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters-1; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; ~~lodging V~~; passenger terminal; ferry terminal; marina; services.

\*\*\*

**Article IV. Nonconformity**

\*\*\*

**§ 125-54 Nonconforming uses of land or structures.**

The use of any land or structure which is made nonconforming as a result of the enactment of this chapter, or any subsequent amendment, may be continued, but only in strict compliance with the following:

- A. No nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than such use occupied when it became nonconforming.
- B. No existing structure devoted partially or entirely to a nonconforming use shall be extended or enlarged.

- C. Any nonconforming use may be extended throughout any parts of a building which, at the time such use became a nonconformity, were arranged or designed for such use; provided, however, that no nonconforming use shall be extended to occupy any land outside such building.
- D. Any nonconforming use of land or a structure may be changed to another nonconforming use provided first that the Board of Appeals finds that the proposed use will have no greater adverse impact on the subject and adjacent properties and resources, including water-dependent uses, than the existing use, and second that the Planning Board grants site plan approval upon a finding that the proposed use meets all standards set forth in Article V except those that cause the existing use to be nonconforming. In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with uses in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.
- E. If any nonconforming use of land or of a structure housing a nonconforming use ceases or is discontinued for any reason for a period of 12 or more consecutive months, any subsequent use of such land or structure shall conform to the requirements of this chapter in all respects.
- F. A nonconforming use or a structure housing a nonconforming use may be moved within a lot provided that the Board of Appeals finds that the proposed new location and design are more appropriate with regard to:
  - (1) Location, character, and natural features;
  - (2) Fencing and screening;
  - (3) Landscaping and topography;
  - (4) Traffic and access;
  - (5) Signs and lighting; and
  - (6) Potential nuisance.

**~~G. Transient lodging accommodations.~~**

~~(1) Transient lodging accommodations that are nonconforming uses may be enlarged, extended and occupy a GREATER area of land, provided that no additional guest rooms are added and that the Board of Appeals finds that:~~

~~(a) There will be no greater adverse impacts; and~~

~~(b) The proposed construction is appropriate with regard to:~~

~~[1] Location, character and natural features;~~

~~[2] Fencing and screening;~~

~~[3] Landscaping and topography;~~

~~[4] Traffic and access;~~

~~[5] Lighting; and~~

~~[6] Potential nuisance.~~

~~(2) In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with transient lodging accommodation in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water dependent uses.~~

\*\*\*

## Article V. Site Plan Review

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### 125-66 Submission requirements

An application for a major site plan or subdivision shall include, as applicable:

\*\*\*

#### 125-66 R. Building plans, elevations and interior use.

For all proposed buildings and structures and for all existing buildings and structures for which a change of use is proposed:

- (1) Building plans for all levels of all buildings and structures, including but not limited to fences;
- (2) All elevations, indicating the height of the structure and proposed materials and exterior colors;
- (3) Proposed use of all floor area, including basements and attics; and
- (4) When the proposed use is a restaurant, the maximum seating capacity thereof.
- (5) When the proposed use is a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, or Lodging VII, provide:
  - (a) Total gross floor area devoted to lodging on each floor, including a breakdown by use (e.g., lodging, assembly, service, etc.).
  - (b) Total number of guest units located on each floor.
  - (c) Total guest capacity, calculated using the occupant load for each floor based on the lodging gross floor area devoted to lodging, in accordance with Life Safety Codes NFPA 1 and 101.

\*\*\*

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

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

\*\*\*

**D. Parking requirements.**

\*\*\*

(b) Transient lodging accommodations:

[1] Lodging I, Lodging II, and Lodging III – one parking space for each guest room-unit, plus one parking space.

[2] Lodging IV, Lodging V, Lodging VI, and Lodging VII – one parking space for each guest room-unit.

\*\*\*

**125-69 Standards for particular uses, structure, activities.**

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**AA. Transient Lodging Accommodation Guest Capacity**

**(1) Total Guest Capacity.**

The total transient guest capacity of a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, and Lodging VII shall be determined by calculating the occupant load of all areas devoted to lodging in accordance with applicable Life Safety Codes (NFPA 1 and 101), as follows:

(a) For each floor, or portion of a floor, devoted to lodging, the occupant load shall be calculated by dividing the lodging gross floor area by 200 square feet per occupant, rounded up to the nearest whole number.

(b) The total guest capacity for the transient lodging accommodation shall equal the sum of the occupant loads for all floor area devoted to lodging.

**(2) Compliance Requirements**

(a) The total transient guest capacity shall not exceed the maximum number permitted based on egress, fire protection, accessibility requirements, and occupant load as determined by the Fire Marshal's Office, in accordance with Life Safety Codes (NFPA 1 and 101).

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**Article XII. Construction and definitions**

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**§ 125-109. Definitions.**

The following terms shall have the following meanings:

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**GROSS FLOOR AREA, LODGING** - The total gross floor area of a transient lodging accommodation, measured to the exterior face of the exterior walls, that is dedicated, or intended to be dedicated, to lodging. This includes guest units and sleeping rooms; bathrooms within guest units; interior hallways serving guest units; and interior storage, housekeeping, and utility rooms located on floors, or portions of floors used for guest units. This term excludes exterior porches, balconies; parking areas; uninhabitable attic or crawl spaces not designed for occupancy; and commercial, assembly, restaurant, or office space not integral to the lodging function.

\*\*\*

**Guest Capacity** - The total number of transient guests that may occupy guest units within a transient lodging accommodation at one time.

\*\*\*

**GUEST ROOM** — A room or group of rooms under a single room number in a transient lodging accommodation designed or arranged to be used by one group or party at a time for overnight occupancy.

**Guest Unit** – A sleeping room or group of sleeping rooms under a single unit number in a transient lodging accommodation designed or arranged to be used by one party at a time for overnight occupancy. It may also include a living room, kitchen or kitchenette, and other associated amenities.

\*\*\*

**TRANSIENT LODGING ACCOMMODATIONS** —

An establishment consisting of a building or group of buildings, or a single-family dwelling, located on one lot, containing guest units designed or arranged to provide temporary lodging accommodations for transient guests for compensation.

A. **LODGING I** — A single-family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

B. **LODGING II** — A single-family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only. An

establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered; however, service must be limited to overnight transient guests only.

- C. LODGING III — A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered for compensation and may also be made available to the general public.

\*\*\*

- F. LODGING VI — An establishment which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 transient guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.

- G. LODGING VII — An establishment, in a building constructed before June 10, 1986, which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only. An establishment constructed before June 10, 1986 providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.

WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT – Minimum Area Per Family –**  
Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to remove the minimum area per family requirement in certain zoning districts**” be enacted?

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SUMMARY

The amendment would remove the minimum area per family requirement in certain districts to increase the potential for housing development. Minimum area per family refers to the minimum area on a lot required for each dwelling unit and is different than the minimum lot size requirement.

GENERAL EXPLANATION

This amendment would remove the minimum area per family dimensional requirement for lots in zoning districts served by public water and sewer and/or fall within a designated growth area. The districts where changes are proposed include the Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Downtown Residential, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Educational Institution districts.

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LUO Amendment #LUO-2026-03  
**Minimum Area Per Family**  
Town of Bar Harbor

**Amendment to the Land Use Ordinance**  
**Article III**

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

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

**Chapter 125 , LAND USE ORDINANCE**

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

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**§ 125-17. Bar Harbor Gateway.**

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B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 feet with sewer; 150 feet elsewhere.
- (3) Minimum front setback: 50 feet on Route 3; 25 feet elsewhere.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 50%.
- (7) Maximum height: 40 feet.
- ~~(8) Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.~~

\*\*\*

**§ 125-18. Village Historic.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet with sewers; 150 feet without sewers.
- (3) Minimum front setback: 30 feet.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 feet.
- ~~(8) Minimum area per family: 40,000 square feet.~~

\*\*\*

**§ 125-19. Mount Desert Street Corridor District.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet.

- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback: 25 feet.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Minimum side and rear setback for accessory structures: 10 feet.
- (7) Maximum lot coverage: 35%.
- (8) Maximum height: 40 feet.
- (9) ~~Minimum area per family: 10,000 square feet.~~

\*\*\*

### **§ 125-20. Village Residential.**

\*\*\*

#### **B. Dimensional standards.**

- (1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback for structures: 20 feet.
- (4) Minimum side setback for principal structures: 10 feet.
- (5) Minimum side setback for accessory, nonresidential structures: five feet.
- (6) Minimum rear setback for principal structures: 10 feet.
- (7) Minimum rear setback for accessory, nonresidential structures: five feet.
- (8) Maximum lot coverage: 50% with sewers; 25% without sewers.
- (9) Maximum height: 40 feet.
- (10) ~~Minimum area per family: 10,000 square feet with sewers; or 20,000 square feet without sewers.~~

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### **§ 125-21. Downtown Village I.**

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#### **B. Dimensional standards.**

- (1) Minimum lot size: 1,000 square feet.

- (2) Minimum road frontage and lot width: 20 feet.
- (3) Minimum front setback: zero feet.
- (4) Minimum side setback: 25 feet on any side yard that abuts a residential or historic district; zero feet elsewhere.
- (5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.
- (6) Maximum allowable lot coverage: 100%, exclusive of setbacks.
- (7) Maximum height: 45 feet and within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
  - (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
  - (b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
  - (c) The building must provide a minimum number of dwelling units (See Table 3.<sup>2</sup>) which qualify as affordable housing as defined or otherwise provided.
- ~~(8) Minimum lot area per family: 750 square feet.~~

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**§ 125-21.1. Downtown Village II.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 feet.
- (3) Minimum front setback:
  - (a) Ten feet for buildings up to 30 feet in height.
  - (b) Twenty feet for buildings over 30 feet and up to 45 feet in height.
  - (c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following

conditions:

- [1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;
  - [2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
  - [3] The building must provide a minimum number of residential units (See Table 3.<sup>2</sup>) which qualify as affordable housing as defined or as otherwise provided.
- (4) Minimum side setback: zero feet.
  - (5) Minimum rear setback: 20 feet for buildings on any yard that abuts a residential district; 10 feet for accessory structures and parking on any yard that abuts a residential district; five feet elsewhere.
  - (6) Maximum lot coverage:
    - (a) Ninety percent for buildings up to 30 feet in height.
    - (b) Eighty percent for buildings over 30 feet and up to 35 feet in height.
    - (c) Seventy percent for buildings over 35 feet and up to 45 feet in height.
  - (7) Maximum height: 45 feet and: within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
    - (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
    - (b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
    - (c) The building must provide a minimum number of dwelling units (See Table 3.<sup>3</sup>) which qualify as affordable housing as defined or otherwise provided.
  - ~~(8) Minimum lot area per family: 750 square feet.~~

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## **§ 125-22. Downtown Residential.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum road frontage and lot width: 50 [feet].
- (3) Minimum front setback: 15 [feet].
- (4) Minimum side setback: five [feet].
- (5) Minimum side setback for accessory, nonresidential structures: five [feet].
- (6) Minimum rear setback for principal structures: 15 [feet].
- (7) Minimum rear setback for accessory, nonresidential structures: five [feet].
- (8) Maximum lot coverage: 75%.
- (9) Maximum height: 40 [feet].
- ~~(10) Minimum area per family: 2,500 square feet.<sup>2</sup>~~

\*\*\*

**§ 125-24. Hulls Cove Business.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
- (3) Minimum front setback: 15 [feet].
- (4) Minimum side setback: five [feet].
- (5) Minimum rear setback: 15 [feet].
- (6) Maximum lot coverage: 75%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 5,000 square feet with sewers; 20,000 square feet without sewers.~~

\*\*\*

**§ 125-26. Hulls Cove Residential Corridor.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 200 [feet] without sewers.
- (3) Minimum front setback: 75 [feet].
- (4) Minimum side setback: 25 [feet].
- (5) Minimum rear setback: 25 [feet].
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 10,000 square feet with sewers; 20,000 square feet without sewers.~~

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#### **§ 125-27. Hulls Cove Rural.**

\*\*\*

##### **B. Dimensional standards.**

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 200 [feet].
- (3) Minimum front setback: 75 [feet].
- (4) Minimum side setback: 25 [feet].
- (5) Minimum rear setback: 25 [feet].
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 40,000 square feet; 10,000 square feet with sewers and 20,000 square feet without sewers for a retirement community.~~

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#### **§ 125-47. Shoreland General Development I.**

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##### **B. Dimensional standards.**

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- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures.
- (2) Minimum road frontage and lot width: 20 [feet] from a point opposite Rodick Street on the northerly side of West Street easterly to the Municipal Pier; 50 [feet] elsewhere.
- (3) Minimum shore frontage: 150 [feet] per residential dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for all other uses or structures.
- (4) Minimum front setback: zero feet for that part of the district situated on the north side of West Street between the Municipal Pier and the point opposite the center line of Main Street; 15 feet elsewhere.
- (5) Minimum side setback: zero feet.
- (6) Minimum rear setback: zero feet for that part of the district situated on the north side of West Street between the Municipal Pier and the point opposite the center line of Main Street, provided that structures may be built out over the water subject to site plan review and all state and federal regulatory approvals; 15 feet elsewhere, provided that structures may be built out over the water subject to site plan review and all state and federal regulatory approvals.
- (7) Maximum lot coverage: 50% adjacent to tidal areas and rivers which do not flow to great ponds classified GPA; 20% elsewhere.
- (8) Maximum height: 15 [feet] for structures on piers, pilings or wharves west of the Municipal Pier seaward for 90 feet; for structures on piers, pilings or wharves west of the Municipal Pier and more than 90 feet offshore, the maximum height shall be no greater than the grade level of the sidewalk on the shoreward side of West Street, provided that transparent fencing may be installed on a flat roof to a maximum height of four feet above said grade level; 20 [feet] elsewhere.
- ~~(9) Minimum area per family: 30,000 square feet.~~

\*\*\*

#### **§ 125-49. Shoreland General Development II (Hulls Cove).**

\*\*\*

##### **B. Dimensional standards.**

- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
- (3) Minimum shore frontage: 150 [feet] per residential dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for all other uses or structures.
- (4) Minimum front setback: 75 [feet] from the center of Route 3, and 25 [feet] from the front lot line elsewhere.
- (5) Minimum side setback: five [feet].
- (6) Minimum rear setback: 15 [feet].
- (7) Maximum lot coverage: 70% adjacent to tidal areas and rivers which do not flow to great ponds classified GPA; 20% elsewhere.
- (8) Maximum height: 40 [feet].
- ~~(9) Minimum area per family: 30,000 square feet.~~

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### **§ 125-49.1. Shoreland General Development III.**

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#### **B. Dimensional standards.**

- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas with sewer; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures without sewer.
- (2) Minimum road frontage and lot width: 100 feet with sewers; 150 feet without sewers.
- (3) Minimum shore frontage: 150 feet for residential use or dwelling unit adjacent to tidal areas; 300 feet per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 feet for each other use, dwelling unit or structure for all other uses or structures.
- (4) Minimum front setback: 100 feet from the center of Route 3, and 75 feet from the front lot line elsewhere.
- (5) Minimum side setback: 25 feet.

- (6) Minimum rear setback: 25 feet.
- (7) Maximum lot coverage: 25%.
- (8) Maximum height: 35 feet.
- (9) ~~Minimum area per family: 30,000 square feet on sewers; 40,000 square feet without sewers.~~

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### **§ 125-51.1. Educational Institution.**

\*\*\*

#### **B. Dimensional standards.**

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum shore frontage: 150 feet per dwelling unit adjacent to tidal areas; 200 feet for all other uses and structures, excluding functionally water-dependent structures.
- (4) Minimum front setback: 25 feet.
- (5) Minimum side setback: 25 feet.
- (6) Setback from district boundary line: 25 feet; 110 feet along the eastern boundary of the district; 200 feet along the eastern boundary of the district for student housing, as defined.
- (7) Minimum setback from Shoreline: zero for functionally water-dependent uses; 75 feet for all other uses.
- (8) Maximum lot coverage: 30%.
- (9) Maximum height: 40 feet.
- (10) ~~Minimum area per family: 20,000 square feet.~~

\*\*\*

[End of Order]

From: Chris Petersen, Chair Bar Harbor Marine Resources Committee

To: Bar Harbor Town Council

Re: January 20, 2026 Town Council meeting report from the committee

The BHMRC would like to give the town an update on a couple of issues.

1. License fees and requirements. We have changed both the number of conservation hours needed to obtain a commercial license from 7 to 12 and reduced the costs of those licenses. We will go over the license structure and give our rationale.
2. Summary of clam recruitment data and predation research. We will review a summary of data we have been collecting, some for nearly 20 years.
3. Our Shellfish Management Plan and the Comprehensive Plan. In collaboration with our Maine Department of Marine Resources co-managers, we have a Shellfish Management Plan that we update periodically.  
<https://www.maine.gov/dmr/sites/maine.gov/dmr/files/inline-files/Bar%20Harbor%20Shellfish%20Management%20Plan.pdf>
  - a. We will go over some ideas of how this could intersect with the new Comprehensive Plan.
4. Continuing collaboration with other committees and departments.
  - a. Working waterfront assessment with Harbor Committee
  - b. Hadley Point Park regulations with Parks and Recreation Committee
    - i. Limited access and parking
  - c. Combined Sewer Overflow Events with the wastewater division of the Public Works Department
  - d. Water quality work with the Town Planning Office (NE Creek in particular) and with the Maine Department of Marine Resources



NUMBER: 2026-01-02

TITLE: ORDER, CONFIRM THE MANAGER'S ANNUAL APPOINTMENT OF STATUTORY OFFICERS

Filed January 2, 2026

**WHEREAS**, certain roles filled by town staff are required by state statute to be appointed and sworn in on an annual (or other regular) basis; and

**WHEREAS**, statutory officials are sworn in and oaths recorded as required; and

**WHEREAS**, the Town Manager has appointed the following slate of officers for 2026; all terms are effective January 1, 2026 and expire December 31, 2026 unless otherwise indicated:

Animal Control Officer – *Scott Pinkham*

Assessor – *Hannah Phelps*

Building Inspector – *Michael Gurtler and Tammy DesJardin, Deputy*

Civil Emergency Preparedness Agency Director – *James Smith*

Code Enforcement Officer – *Michael Gurtler and Tammy DesJardin, Deputy*

E-911 Coordinator/Addressing Officer – *Hannah Phelps*

Electrical Inspector – *Michael Gurtler and Tammy DesJardin, Deputy*

Local Health Officer – *Michael Gurtler*

Local Plumbing Inspector – *Michael Gurtler and Tammy DesJardin, Deputy*

Registrar of Voters – *Elizabeth Graves*

Shellfish Warden expiring March 30, 2028 – *Christopher Johansen*

Tax Collector – *Elizabeth Spear*

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby confirms the Town Manager's appointment of the slate of Statutory Officers as presented.



NUMBER: 2026-01-03

TITLE: AUTHORIZE ACCEPTANCE OF MAINE DOT SMALL HARBOR  
IMPROVEMENT PROGRAM GRANT FOR CONSTRUCTION AND DESIGN  
OF A HEAVY-DUTY, ADA-COMPLIANT GANGWAY

Filed January 5, 2026

**WHEREAS**, the Maine Department of Transportation manages a Small Harbor Improvement grant program to promote economic development and public access and create and preserve infrastructure facilities in tidewater and coastal municipalities; and

**WHEREAS**, in January of 2025, with Council Order 2025-01-06, the Town Council authorized the Town Manager to enter into tentative agreements with American Cruise Lines for disembarkation of passengers at the Town Pier and to plan and execute all necessary physical improvements to the Town Pier including upgrades to the gangway as part of the agreement; and

**WHEREAS**, the Harbormaster applied for and was awarded a \$30,000 Small Harbor Improvement Program grant for construction and design of a heavy-duty ADA-compliant gangway; and

**WHEREAS**, per the town's Docking Use Agreement with American Cruise Lines dated April 4, 2025, American Cruise Lines committed a one-time, lump-sum payment to the Town of \$30,000 for the Town's use in enhancing the gangway serving the Town Pier Float; this payment comprises the entire required local share of the \$60,000 grant-funded project;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby authorizes the acceptance of the State of Maine Department of Transportation Small Harbor Improvement Program grant for construction and design of a heavy-duty, ADA-compliant gangway; and

**BE IT FURTHER ORDERED**, that the Town Council also accepts the matching contribution from American Cruise Lines, in the amount of \$30,000, and authorizes the use of \$60,000 from account 2153-6254 (Gangways) for this purpose.

Statement of Fact: Accepts a state grant for upgrading the gangway to the Town Pier Float.



NUMBER: 2026-01-04

TITLE: ORDER, AUTHORIZE THE TRANSFER OF FUNDS IN THE CAPITAL IMPROVEMENT FUND FOR HELIPAD EXPENSES

Filed January 2, 2026

**WHEREAS**, the Town collaborated with LifeFlight of Maine to construct a Helipad at the Town owned athletic field; and

**WHEREAS**, the Town Council approved the initial conceptual plan and design on September 1, 2020; and

**WHEREAS**, the Town began preliminary engineering and geotechnical site work at that time in order to advance the project; and

**WHEREAS**, the Town Council authorized the Town Manager to enter an MOU with LifeFlight of Maine on February 12, 2025; and

**WHEREAS**, the Town entered a Memorandum of Understanding with LifeFlight of Maine on March 17, 2025; and

**WHEREAS**, as part of the MOU, the Town agreed to cover the cost of initial engineering and geotechnical site work associated with the development and construction of the helipad; and

**WHEREAS**, as part of the MOU, LifeFlight of Maine agreed to fund \$225,000 for the construction of the project, as well as an additional \$10,000 for maintenance of the Helipad; and

**WHEREAS**, the final cost of the town for its share of the design and engineering of this project totaled \$28,948.02;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council authorizes the transfer of funds in the amount of \$28,948.02 from account 2177-6505 (CIP Infrastructure Updates) to account 21-1325 (Accounts Receivable) in the amount of \$17,565.26 and \$11,382.76 to account 2159-6330 (CIP Helipad) for final costs associated with the Town's agreed-to share of the Helipad construction costs as outlined in the MOU dated March 17, 2025.



NUMBER: 2025-01-05

TITLE: ORDER, SCHEDULE A PUBLIC HEARING ON AMENDMENT TO CHAPTER 201, WATER, TO ADJUST WATER RATE STRUCTURE AND RATES

Filed January 12, 2026

**WHEREAS**, the Town’s water rates have not been increased since January 1, 2016, and the Town has engaged Olver Associates, who has been consulting with the Finance Director, Public Works Director, and water staff to perform a rate case study to present to the Town Council; and

**WHEREAS**, in accordance with the 2025-2026 Town Council goal to adjust fee structures to be more equitable on consumption-based rates, the Town is proposing an increase on minimum rates for all customers, and an increase on the rate for water use about the on minimum (overages) effective on April 1, 2026 billing; and

**WHEREAS**, with Council Order 2026-01, the Town Council set a public hearing on the rate proposal for February 17, 2026, beginning the formal State of Maine statutory process for a rate adjustment which also includes notification to Maine Public Utilities Commission (PUC), notice to all water customers, and a final filing with the Maine PUC for approval; and

**WHEREAS**, the water rates are also included in Chapter 201, Water, of the Municipal Code, and an amendment is proposed to codify the proposed new rates; and

**WHEREAS**, adoption by the Town Council of the proposed amendment to Chapter 201 would be contingent on approval of the proposed rates by the Maine PUC, and would take effect April 1, 2026; and

**NOW THEREFORE, BE IT ORDERED**, that a public hearing is now scheduled for February 17, 2026, for public comment on the below Ordinance Amendment 2026-01, “An Ordinance Amendment to adjust water rate structure and rates.”

### **Water Ordinance Amendment**

Town of Bar Harbor

#2026-01

#### **An Ordinance Amendment to adjust water rate structure and rates.**

*The Town of Bar Harbor hereby ordains that Chapter 201, Water, of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.  
Subsections shall be re-numbered where appropriate.]

#### **Chapter 201, Water**

Statement of Fact: Schedules a public hearing for amendment to Chapter 201, Water, for the proposed new rates and rate structure.

\*\*\*

**§ 201-12. Water rates.**

- A. Rates adopted. Effective with the approval of the Maine Public Utilities Commission (PUC), the following rates are hereby established, unless otherwise approved by the PUC:
- B. Quarterly ~~and monthly~~ rates for water to 5/8-inch metered annual consumers:
  - (1) Quarterly rate:
    - (a) For the first 1,200 cubic feet per quarter: ~~\$76.17~~ \$102.83 per quarter.
    - (b) For the next 10,800 cubic feet per quarter: ~~\$4.42~~ \$5.97 per 100 cubic feet.
    - ~~(c) For the next 78,000 cubic feet per quarter: \$2.07 per 100 cubic feet.~~
    - (d) For all in excess of ~~90,000~~ 12,000 cubic feet per quarter: ~~\$1.35~~ \$4.18 per 100 cubic feet.
  - ~~(2) Monthly rate:~~
    - ~~(a) For the first 400 cubic feet per month: \$25.39 per month.~~
    - ~~(b) For the next 3,600 cubic feet per month: \$4.42 per 100 cubic feet.~~
    - ~~(c) For the next 26,000 cubic feet per month: \$2.07 per 100 cubic feet.~~
    - ~~(d) For all in excess of 30,000 cubic feet per month: \$1.35 per 100 cubic feet.~~
  - (3) Minimum charges:

Meter Size (inches)	Water Allowance (cubic feet)		Minimum Charge	
	Quarterly	Monthly	Quarterly	Monthly (Calculation)
5/8	1,200	400	<del>\$76.17</del> <u>\$102.83</u>	<del>\$25.39</del> <u>\$34.28</u>
3/4	1,800	600	<del>\$102.69</del> <u>\$138.63</u>	<del>\$34.23</del> <u>\$46.21</u>
1	3,000	1,000	<del>\$155.73</del> <u>\$210.24</u>	<del>\$51.91</del> <u>\$70.08</u>
1 1/2	6,000	2,000	<del>\$288.33</del> <u>\$389.25</u>	<del>\$96.11</del> <u>\$129.75</u>
2	9,600	3,200	<del>\$447.45</del> <u>\$604.06</u>	<del>\$149.15</del> <u>\$201.35</u>
3	18,000	6,000	<del>\$677.72</del> <u>\$914.92</u>	<del>\$225.91</del> <u>\$304.97</u>
4	30,000	10,000	<del>\$926.13</del> <u>\$1,250.28</u>	<del>\$308.71</del> <u>\$416.76</u>
6	60,000	20,000	<del>\$1,547.13</del> <u>\$2,088.63</u>	<del>\$515.71</del> <u>\$696.21</u>

(4) Seasonal rates for 5/8-inch metered seasonal consumers:

(a) Seasonal rate:

- [1] For the first 1,600 cubic feet per season: ~~\$201.63~~ \$272.20 per season.
- [2] For the next 10,400 cubic feet per season: ~~\$8.87~~ \$11.97 per 100 cubic feet.
- [3] ~~For the next 78,000 cubic feet per season: \$4.13 per 100 cubic feet.~~
- [4] ~~For the next 300,000 cubic feet per season: \$2.07 per 100 cubic feet.~~
- [5] For all in excess of ~~390,000~~ 12,000 cubic feet per season: ~~\$1.58~~ \$8.38 per 100 cubic feet.

(b) Minimum charges:

Meter Size (inches)	Water Allowance (cubic feet)	Minimum Charge
5/8	1,600	<del>\$201.63</del> <u>\$272.20</u>
3/4	2,400	<del>\$272.66</del> <u>\$368.09</u>
1	4,000	<del>\$414.73</del> <u>\$559.89</u>
1 ½	8,000	<del>\$769.92</del> <u>\$1,039.39</u>
2	12,800	<del>\$1,158.19</del> <u>\$1,563.56</u>
3	24,000	<del>\$1,621.47</del> <u>\$2,188.98</u>
4	40,000	<del>\$2,283.28</del> <u>\$3,082.43</u>
6	80,000	<del>\$3,937.81</del> <u>\$5,316.04</u>

(5) Private fire protection:

- (a) Availability. This rate is available to customers using the Town water service for private fire protection. The following rates apply to fire protection only and include no allowance for water for other than for fire-fighting purposes.

(b) Rates.

- [1] Each private hydrant furnished, installed and maintained by the user for private protection shall be charged for per year: ~~\$1,362~~ \$1,838.70.
- [2] Private fire service rate for automatic sprinklers, standpipes or hose connections to be used only for fire protection inside buildings: a charge per inch of service pipe diameter of ~~\$170~~ \$229.50 per year.

(6) Public fire protection:

- (a) Availability. This rate is available to the Town of Bar Harbor for municipal fire protection.

(b) Rates.

- [1] For the existing 105 hydrants installed as of ~~January 1, 2016~~ April 1, 2026, a total annual amount of ~~\$585,602~~ \$855,275.
- [2] Rates for hydrants installed after the effective date of the PUC order shall be determined in accordance with Chapter 690 of the Public Utilities Commission's Rules and Regulations.

[End of ordinance]

[End of order]

NUMBER: 2025-01-06

TITLE: ORDER, SCHEDULE A PUBLIC HEARING ON AMENDMENT TO CHAPTER 94, FOOD AND MERCHANDISE SALES, TO ASSIST IN MANAGING THE COMMERCIAL USE OF PUBLIC SPACES

Filed January 12, 2026

**WHEREAS**, businesses have been operating at Hadley Point Beach and the ball field parking lot that are not selling food or merchandise, but instead operate by scheduling of services and payment online, with the delivery of those services occurring on public property, including but not limited to kayak tours and bicycle rentals; and

**WHEREAS**, these activities have contributed to congestion and interference with the free use and enjoyment of these public spaces by residents and the public, and have created an imbalance between businesses operating on public property and businesses operating from privately owned, permitted locations; and

**WHEREAS**, the current Chapter 94 primarily addresses food and merchandise sales and does not clearly or sufficiently address service-based commercial activity occurring on public property; and

**WHEREAS**, an amendment is proposed to provide clearer regulatory language to assist in managing the commercial use of public spaces, including the addition of service-based businesses, updating outdated pronouns, clarification of the geographic areas where outdoor displays are regulated, and correcting the reference to the Town's adopted life safety code; and

**WHEREAS**, consistent with the advisory role of the Parks and Recreation Committee to the Town Council and Town Manager on matters relating to the use and management of Town parks and recreation facilities, this matter was referred to the Committee for discussion and input, and the Committee reviewed the issue and provided feedback and recommendations for consideration as part of this process;

**NOW THEREFORE, BE IT ORDERED**, that a public hearing is now scheduled for [date] for public comment on the below Ordinance Amendment 2026-02, "An Ordinance Amendment to assist in managing the commercial use of public spaces."

### **Food and Merchandise Sales Ordinance Amendment**

Town of Bar Harbor

#2026-02

**An Ordinance Amendment to assist in managing the commercial use of public spaces.**

*The Town of Bar Harbor hereby ordains that Chapter 94, Food and Merchandise Sales, of the Town Code is amended as follows:*

Statement of Fact: Schedules a public hearing on amendment to Chapter 94, Food and Merchandise sales, to assist in managing the commercial use of public spaces.

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

## **Chapter 94, Food and Merchandise Sales**

### **§ 94-1. Purpose.**

The purpose of this chapter is to regulate businesses in Bar Harbor which offer ~~food and/or merchandise for sale~~ food, merchandise, and other services for compensation so as to ~~prevent~~ minimize, to the extent possible, ~~the~~ congestion of pedestrian and/or vehicular traffic and parked vehicles; to keep public ways as clean as possible and free of discarded food, merchandise, wrappings, bags, packages and other items of litter; to protect public safety; and to ~~improve~~ aesthetics and maintain the appearance of the Town public property.

### **§ 94-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AREA FULLY ENCLOSED WITHIN A STRUCTURE** — A space totally enclosed by walls, a floor or slab, and a ceiling or roof. The walls may be interrupted only by permanently installed operable or fixed windows or doors.

**MERCHANDISE** — Includes the wares, goods and/or commodities customarily bought and sold, either at retail or wholesale, by merchants in the exercise of trade or business.

**OUTDOOR** — Any area visible from any public street, sidewalk, way or park that is not fully enclosed within a structure.

**OUTDOOR DISPLAY** — Any outdoor display of goods, materials, merchandise, or other stock-in-trade intended for sale, exchange or advertising purposes, but not including a sign as defined in Chapter 125, § 125-109, of this Code or otherwise lawful outdoor seating provided by a restaurant. A vending machine constitutes an outdoor display. Signs located on the rolling stock of common carriers and on registered and inspected motor vehicles are permitted, except such signs which are determined by the Code Enforcement Officer to be circumventing the intent of this Chapter.

**PERSON** — Includes individuals, firms, associations, partnerships, corporations, trusts and other legal entities.

**PUBLIC PROPERTY** — Any parcel, lot, structure, street, park, parking lot or other space owned by the Town of Bar Harbor.

**SALE** — The exchange of any item of merchandise or food for any form of money, whether at retail or wholesale, regardless of whether a profit is made.

**SERVICE** — An act such as rental of items, delivery of products, and/or other business activities for compensation.

STRUCTURE — Anything constructed or erected, the use of which requires location on, above or below the surface of the ground or any body of water, or which is attached to something having a location on, above or below the surface of the ground or any body of water.

~~STRUCTURES WHICH ARE OF A MOVABLE OR PORTABLE NATURE~~ — Structures which are designed to be or are equipped with wheels so as to be readily movable from one location to another or structures which are constructed in any other manner as to be readily movable from one location to another.

### § 94-3. Restrictions on sales.

- A. ~~Food to be sold and merchandise~~ Food, merchandise and services to be sold, leased or rented within structures.
- (1) Except for sales conducted at farmers' markets that comply with Chapter 125, Land Use, it shall be unlawful for any person or persons conducting or causing to be conducted any business within the Town of Bar Harbor to offer or cause to be offered for sale, either at retail or wholesale, items of food to persons without providing the following facilities with respect to the sale of said food: an area and/or means of consuming said food on the premises where sold.
  - (2) The structure in or from which said items of food, merchandise and services are sold ~~or merchandise is sold~~, leased or rented shall be so constructed as to be permanently attached to the land on which it is located and not of a movable or portable nature.
- B. ~~Use of streets, sidewalks and parks for sales and displays prohibited.~~ Prohibition on the use of public property for commercial use. It shall be unlawful for any person within the Town of Bar Harbor to offer or cause to be offered for sale any food, ~~or merchandise,~~ services, or conduct any business transaction:
- (1) In such a manner as to require or permit sales or exchange of services to occur on or within any public property street, sidewalk, way or park.
  - (2) Which is displayed or advertised within the confines of any public property street, sidewalk way or park.
- C. Exceptions. The provisions of Subsections A and B shall not:
- (1) Outdoor seating at restaurants. Be deemed to prohibit restaurants from providing outside seating on private property so long as such seating complies with all other codes, ordinances and laws.
  - (2) Eleemosynary, educational and philanthropic organizations. Apply to sales conducted on public properties by eleemosynary, educational and philanthropic organizations with the written permission of the Town Council of Bar Harbor, or in the case of public parks as defined by § 144-4, with the permission of the permitting authority responsible for issuing a special event permit under § 144-25, which permission shall be given by said Council or permitting authority upon a finding that:

- (a) The organization conducting the sale is in fact eleemosynary, educational or philanthropic;
  - (b) The sale will be of a temporary nature lasting not more than two days;
  - (c) The sale will not be conducted in such a manner and/or place as to create congestion of ~~the parking areas,~~ public streets, sidewalks or other public ways; and
  - (d) Said sale would not be in violation of any state statute or other local ordinance, rule or regulation.
- (3) Vending machines. Be construed to prohibit outdoor vending machines on private property.

**§ 94-4. Soliciting on streets, in open spaces or from aircraft.**

- A. No merchant, storekeeper, shopkeeper or operator of any business, calling or pursuit shall, ~~by himself personally~~ or by another under ~~his~~ their direction, stand or remain in any public street, sidewalk or park, or in any doorway or other place adjacent to a public street, sidewalk or park, within the Town of Bar Harbor and by calls, cries, ringing of bells, blowing of horns, or by the operation of any noisemaking, noise-producing or noise-amplifying device, or by reaching out into the street, sidewalk or other place adjacent to a parking area, public street or sidewalk, attract attention to or solicit passersby to enter into any street, shop, or place of business or commercial pursuit.
- B. Airborne advertising prohibited. No person shall ~~by himself personally~~ or by another under ~~his~~ their direction, operate an aircraft for the purposes of towing or otherwise displaying banners or signs in a manner to attract the attention of users or inhabitants of public or private lands within the Town of Bar Harbor.

**§ 94-5. Outdoor displays.**

All outdoor displays, as defined by this chapter and occurring in the area described in Subsection A, are subject to the requirements set forth in Subsection B:

- A. Regulated area. The requirements set forth in Subsection B shall apply to all outdoor displays on both sides of the street within the following portions of the ~~Shoreland General Development I and Downtown Village Districts~~ Town of Bar Harbor:
  - (1) ~~Main Street from West Street south to Atlantic Avenue and Newton Way;~~
  - (2) ~~Mount Desert Street from Main Street west to School Street;~~
  - (3) ~~Cottage Street from Main Street west to Rodick Street; and~~
  - (4) ~~West Street from the Town Pier west to the Downtown Village District boundary between lots 3-4-10 and 3-4-11.~~

- (1) Route 3 and Eden Street from and including the Hulls Cove Business District through to Otter Creek.
- (2) All Downtown areas from Ells (Town) Pier south to Otter Creek, from Eden Street east to and including Main Street.

B. Outdoor display regulations.

- (1) Three-foot setback. Outdoor displays shall be set back three feet from the front property lines.
- (2) Facades and doorways. Regardless of building setback, no merchandise or outdoor display shall be attached, hung or affixed to any door, doorway or outdoor surface of any building facade.
- (3) Exits and exit discharges. No merchandise shall be displayed within the exit or exit discharge of any building. For purposes of this section, the terms "exit" and "exit discharge" shall ~~have~~ be defined as in ~~such edition of the Code for Safety to Life in Buildings and Structures (ANSI/ NFPA 101) published by the National Fire Protection Association as may be adopted by the Bar Harbor Town Council pursuant to~~ NFPA 101 Life Safety Code as adopted in Chapter ~~36~~ 85 of the Bar Harbor Code or as may be required or recognized by the State of Maine.

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[End of ordinance]

[End of order]