

Meeting Minutes

Bar Harbor Planning Board

Wednesday, May 3, 2023

I. CALL TO ORDER

Chair Dority called the meeting to order at 4:00 PM. Other Planning Board members present were Vice-Chair Ruth Eveland, Secretary Elissa Chesler, and members Earl Brechlin, Zach Soares, and Joe Cough.

Town staff present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, and Staff Planner Cali Martinez.

II. ADOPTION OF THE AGENDA

Secretary Chesler made a motion to adopt the agenda as prepared, and Member Cough seconded the motion. The motion then carried unanimously 5-0.

III. EXCUSED ABSENCES

There were none

IV. PUBLIC COMMENT PERIOD

There were none.

V. APPROVAL OF MINUTES

Member Eveland made a motion to approve the April 5, 2023 minutes as prepared. Member Brechlin seconded the motion and the Board voted 5-0 to approve the motion.

VI. REGULAR BUSINESS

a. Site Plan Review for Completeness of SP-2023-03 Bar Harbor Oceanside Campground (KOA)

Applicant: Bar Harbor Oceanside Campground KOA, 136 Country Road, Bar Harbor, ME 04609

Owner: Kampgrounds of America, Inc. 550 N. 31st Street Billings, MT 59101

Application: This project is an upgrade to campground facility with the addition of five cabins in an area where six RV/camper sites are located. In addition, the work will include the addition of five RV/camper sites at the previous location of nine worker sites. The remaining four worker sites will be restored to green landscaped areas. A bath house will be installed with the building providing three stalls.

Project Location: 105 County Road (Tax Map 211, Lot 3), encompassing a total of ±29.04 acres, according to town tax records.

Districts: Town Hill Residential Corridor, Town Hill Residential, and Stream Protection districts

Jim Keiser, representing KOA, introduced the project. The current proposal includes continually monitoring septic fields for usage and capacity, said Mr. Keiser. "It's right about where it needs to be capacity wise," he said, but the group would like to have a better understanding of what flows to each of the fields. There will be monitors placed this summer on each of the systems. If more capacity is needed, the applicant would likely propose installing advanced treatment, said Mr. Keiser.

Member Brechlin asked where the campground's workers will live. Employee housing is located across the street, said Mr. Keiser, in trailers and RVs. There is no "net loss" with this proposal of worker housing, said Mr. Keiser.

Vice-chair Eveland asked for clarification regarding Maine Department of Environmental Protection's Natural Resources Protection Act permitting for shoreland stabilization and when that would be required. Mr. Keiser said he understood that to require a permit through the code enforcement office, not through the Planning Board

process. Planning Director Gagnon concurred, and said that, in discussion with Code Enforcement Officer Chamberlain, that was determined to be the better path forward.

Vice-chair Eveland asked a question regarding a reference to a “manager’s home” and what that meant. The applicant carried the wastewater treatment from the development across the street, which included nine worker sites and the manager’s new facility, into the systems for this project, explained Mr. Keiser.

Chair Dority noted that the exhibits are not labeled in the Board’s packet and asked that they be labeled in the future. Contours are also missing labels, and the 75-foot shoreland setback is shown sporadically, he added, and urged the applicant to submit a site plan with additional details. Chair Dority also asked for the applicant to double-check tabulations for water, and asked for clarification regarding site plan approval status. “Any way you can explain what’s going on to help us in this process will be greatly appreciated,” he said.

Chair Dority asked about a plan for stormwater management, which currently drains into the ocean. If it drains directly into the ocean from one’s property, said Mr. Keiser, the state typically doesn’t evaluate how it gets there. The development does not trigger site law from DEP, said Mr. Keiser.

The application does not increase impervious area, said Planning Director Gagnon, nor does it impact abutters with an increase in quantity.

Vice-chair Eveland moved to approve the waivers as submitted with the exception of 1. I, which should be an exhibit. Member Brechlin seconded the motion and the Board voted 5-0 to approve the motion.

Chair Dority asked if any members of the public had comments. There were none.

Secretary Chesler moved to find the application SP-2023-03 — Bar Harbor Oceanside Campground KOA, incomplete per the Bar Harbor Land Use Ordinance section 125-66, as the capacity letters from the Fire Chief and Public Works, and the letter of no violation have yet to be received, and to require additional labeling on the site plan, and to schedule a public hearing for the June 7th meeting. Member Cough seconded the motion. There was discussion on the timeline. The Board voted 5-0 to approve the motion.

VII. OTHER BUSINESS

- a. Update to possible Land Use Ordinance amendments to lodging uses.
Code Enforcement Officer Chamberlain said she was not quite ready to share information with the Board but would have an update soon.

- b. Update to possible Land Use Ordinance amendments to expand the number of zoning districts where Employee Living Quarters (ELQs) and Shared Accommodations (SAs) (1-3) are allowed.

Staff Planner Martinez explained that she has been doing background research in order to prepare a table showing where ELQs and SAs are currently allowed, including uses of a comparable scale. As SAs are defined by room size, she explained, she is trying to find other uses defined by room sizes to compare, as well as commercial uses allowed in the districts that could possibly benefit from ELQs and SAs. The table will also include the character of the districts to see if they are compatible with the current uses. "I'm trying to organize it in a way that looks simple and intuitive," said Staff Planner Martinez, with the idea of eventually having a table or tables accompanied by a narrative for the Board to review.

Member Eveland asked about a timeframe. Staff had hoped to get it on a November ballot, said Martinez, but that will be too fast to do meaningful work. Member Eveland asked if staff could inform interested parties of the timeframe, as there are some who are eager to have this resolved. Planning Director Gagnon said staff want to ensure that when they stand in front of a room and have to answer questions they

can do so thoughtfully. Member Eveland said she's in favor of a comprehensive approach, and that the detail will help give people confidence in the eventual decision.

There was a discussion on the importance of having a license for SAs and ELQs. Once a land use is approved, said Planning Director Gagnon, there's no taking that back unless there's a major violation. If there is a licensing process, it allows for a resolution process or a license to be held if there are nuisances or issues raised. "Licensing is a really strong tool to bring peace of mind," she said.

c. Comprehensive Plan Update — Elissa Chesler/staff

Secretary Chesler gave an update on the Comprehensive Plan, including upcoming public visioning workshops. The group recently discussed a vision statement, the initial version of which was "technical and not very vision-y," said Secretary Chesler, so a group came together to draft an updated vision. The committee also looked at land use patterns, with the biggest focus being thinking globally about where residential development fits with transportation infrastructure and other major corridors.

"What's exciting," said Planning Director Gagnon, "is we're going there with a draft concept... something people can think about and bring in their own thoughts on it for us to take back. I think it makes us a bit more vulnerable, but really represents the intention we have of getting true and meaningful feedback."

Member Cough asked whether there had been any discussions on a new wastewater treatment plant, such as somewhere near the intersection of Norway Drive and Crooked Road, which would allow for greater residential density and development. The high school has a relatively large budget to redo a septic field, said Member Cough, a multimillion-dollar process that has to be done. That could go a long way toward building a new sewer plant, which could "enable us to double, if not more so, the capacity of housing that's out there."

The Committee has not discussed expansion of wastewater from that point, said Planning Director Gagnon. It's definitely an interesting concept that changes a lot of things quickly, she said. There would need to be access to the ocean, she said, so treated water can be released into the ocean in a place where there's enough flushing action.

VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA

There were none

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

It was said that there is a project on Route 3 and two subdivisions that should be coming to the board soon.

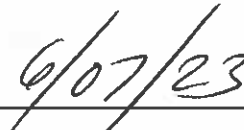
X. ADJOURNMENT

At 4:50 PM, Member Cough moved to adjourn the meeting. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion

Minutes approved by the Bar Harbor Planning Board on June 7, 2023:



**Elissa Chesler, Secretary,
Bar Harbor Planning Board**



Date