

**Minutes — Design Review Board**  
**Thursday, May 26, 2022 at 4:00 PM**  
**Remote Meeting (via Zoom)**

*Under the Board's Remote Participation Policy, this meeting was conducted remotely, via Zoom, due to the urgent issue of the continuing COVID-19 pandemic and the declarations of a public health emergency by both the United States and Maine departments of Health and Human Services.*

*Members of the public were able to view and attend the proceeding by visiting <https://www.townhallstreams.com> and selecting **Bar Harbor** from the dropdown menu. Instructions on how to attend the Zoom meeting and to offer comment during the public comment portion of the meeting were posted online, in advance of the meeting, at: <https://www.barharbormaine.gov/271/Design-Review-Board>.*

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*Design Review Board members present were Chairperson Barbara Sassaman and members Francis "Pancho" Cole, Maya Caines and Andrea Lepcio. Vice-chairperson Andrew Geel and Secretary Pete Bono were not present. Town staff present were Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Mike Gurtler and Assistant Planner Steve Fuller.*

**I. CALL TO ORDER**

*Chairperson Sassaman called the meeting to order at 4:03 PM.*

**II. EXCUSED ABSENCES**

*Chairperson Sassaman said Secretary Bono had an excused absence as he had notified the Board in advance that he would be absent, while the Board did not have any information to deem Vice-chairperson Geel's absence as excused.*

**III. ADOPTION OF AGENDA**

*Mr. Cole moved to adopt the agenda, which was seconded by Ms. Lepcio. The motion then carried, 4-0, on a roll-call vote.*

**IV. APPROVAL OF MINUTES**

- i. February 10, 2022
- ii. April 28, 2022
- iii. May 12, 2022

*None of the minutes were available for Board review or approval.*

**V. PUBLIC COMMENT**

**To make comment, please email [designreview@barharbormaine.gov](mailto:designreview@barharbormaine.gov) (goes to all board members and town staff), or attend meeting via Zoom (see above)**

*No comment was received in advance of the meeting, and no one from the public was present in the meeting, so there was no public comment.*

**VI. BUILDING PERMIT REMINDERS**

*Chairperson Sassaman reminded the sole applicant present (Charles Saul from the Jesup Library) that he would need to obtain a building permit after DRB approval; Assistant Planner Fuller noted an application had already been submitted and would be given to Code Enforcement after DRB.*

*Ms. Caines had to leave the meeting due to a work commitment. With her departure, the voting membership of the Board was reduced to three (3) members.*

## **VII. REGULAR BUSINESS**

### **i. Certificate of Appropriateness**

**Application:** DRB-2022-22 (Jesup bench awnings)  
**Owner/Applicant:** Jesup Memorial Library (Charles Saul)  
**Project Location:** 34 Mount Desert Street (104-434-000)  
**Proposed Project:** Installation of awnings (installation of two awnings to provide cover from sun/rain over two public benches)

*Before the review of the application began, Chairperson Sassman noted that she does a lot of volunteer work for the Jesup Memorial Library, and that she might need to recuse herself from this agenda item. Mr. Cole moved to recuse Chairperson Sassaman, which Ms. Lepcio seconded. The motion then carried unanimously, 4-0, on a roll-call vote.*

*Chairperson Sassaman turned off her video and audio. With her departure, the voting membership of the Board was reduced to two (2) members.*

*As the longest-serving Board member still present in the meeting, Mr. Cole assumed the role of chairperson pro tempore. He noted this application was similar to one the Board had seen last year from Mother's Kitchen in Town Hill, which involved placing a sun shade over tables for customers. He expressed concern, however, about whether this application would comply with the Land Use Ordinance (specifically, 125-114 D. (1) (b) [4]). Code Enforcement Officer Chamberlain noted that standard limits freestanding canopies/tents to a maximum of 72 hours.*

*A discussion ensued on whether what was being proposed would be considered a tent. Ms. Lepcio said she did not see it as a tent and said it seemed to her "like an appropriate aid to the public." Assistant Planner Fuller read the definition of "tent" from the Land Use Ordinance, noting the last portion in particular: "... and used for camping outdoors or as a temporary building." Mr. Cole said he thought it was "skirting a very fine line," but said he was (speaking personally) reluctantly tempted to approve the application. Mr. Cole said he was concerned about introducing a structure of this nature into this particular district. Ms. Lepcio said she understood but said she thought the structure had a "very defined purpose" that would "help to guide us in future decisions."*

*Mr. Saul spoke about the library's future use of the site, including its planned expansion. He said he saw the structures as canopies, and said they would be moved to another spot on-site when the expansion was built (and coming back for another Certificate of Appropriateness). In response to a question about whether they were seasonal or year-round, Mr. Saul said the canopies are very durable, and that the library wants to offer protection to people who use the benches no matter the season. There was a discussion about maybe taking them down seasonally, which Mr. Saul said could be done fairly easily. He spoke about the different reasons people use the benches (to charge their electrical devices, use the library's WiFi). Ms. Lepcio said she did not feel as strongly as Mr. Cole did about taking them down for part of the year (the colder part). "I think it'll be nice for people to use it in rain and crummy weather," she said. "It doesn't bother me that it will stay up."*

*Ms. Lepcio moved to approve application DRB-2022-22 as presented. Mr. Cole seconded the motion, which then carried unanimously (2-0) on a roll-call vote.*

Mr. Saul thanked the Board. "I think it will be a nice asset for the community," he said.

Chairperson Sassaman turned on her audio and video again. With her return, the voting membership of the Board returned to three (3) members. She noted other canopies have been approved for health and safety reasons, and said such an allowance should be codified.

### VIII. OTHER BUSINESS

#### i. Discussion of Design Review Board overlay district

There was no new information to discuss on this subject.

### IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Chairperson Sassaman noted some Board members' terms are expiring (Vice-chairperson Geel and Secretary Bono). There is also an existing vacancy.

Chairperson Sassaman noted the Board needs to do its annual review of Appendix A at its July meeting. Assistant Planner Fuller said he would put it on the next agenda (June 9) so the Board could begin its review and discussion of any changes that might be needed.

Chairperson Sassaman made reference to a document she had prepared previously, a guide to the Land Use Ordinance for the Design Review Board's internal use/reference. She had flagged (underlined in red) a number of items that needed discussion. She said she would like to pick that back up sometime in the future. She said she would re-send the document out for discussion. She said August might be an appropriate time to have that discussion.

### X. ADJOURNMENT

At 4:24 PM, Chairperson Sassaman moved to adjourn the meeting. Mr. Cole seconded the motion, which then carried unanimously (3-0) on a roll-call vote.

Signed as approved: (approved 6/9/2022)



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Peter Bono, Secretary, Bar Harbor Design Review Board

Date