

**Bar Harbor Planning Board
Wednesday, June 10, 2020 — 4:00 PM
Council Chambers – Municipal Building
93 Cottage Street in Bar Harbor**

*The meeting was held via the Zoom online meeting platform,
and was broadcast live on Spectrum channel 1303 in Bar Harbor
as well as online via Town Hall Streams (where it is also archived).*

I. CALL TO ORDER

Chair Tom St. Germain called the meeting to order at 4:01 PM. Planning Board members present were Chair St. Germain, Vice-chair Joe Cough, Secretary Basil Eleftheriou and members Erica Brooks and John Fitzpatrick.

Town staff members present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Patrick Lessard and Assistant Planner Steve Fuller.

II. EXCUSED ABSENCES (*None*)

III. ADOPTION OF THE AGENDA

Mr. Eleftheriou moved to adopt the agenda, and Mr. Fitzpatrick seconded. The motion passed unanimously (5-0) on a roll-call vote.

IV. PUBLIC COMMENT PERIOD

Chair St. Germain opened the public comment period at 4:04 PM. Assistant Planner Fuller read aloud the phone number for members of the public to call (and necessary passcode to enter) to make comment. As there were no comments, the public comment period was closed at 4:04 PM.

V. REGULAR BUSINESS

a. Consideration of calling for public hearing on proposed Land Use Ordinance amendment relating to vacation rentals

Chair St. Germain began the discussion by noting that a new category, VR-3, had been added to the proposal and that other changes had been made to the proposal since the board had last seen it. Planning Director Gagnon reviewed those changes and offered an explanation of why they were made, as well, including protection clause and transferability.

Board members discussed the threshold for VR-3, as the feeling was that \$1,000,000 was too high. The board discussed the possibility of using the cost instead of the assessed value. Staff explained that they have access to assessed value and that there were enforceability concerns around using a figure other than assessed value. Per feedback from the board, staff will work on lowering the value to somewhere around two times the value of a median home in the town.

Call to order
at 4:01 PM

All five board
members present

Four town staff
members present

No absences

Agenda approved as
presented, 5-0

No comments from
the public during
public comment
period

Consideration of
calling for public
hearing on proposed
LUO vacation rental
amendments

Presentation of
changes since last
time board saw it

Discussion of dollar
value tied to VR-3
definition

Mr. Fitzpatrick, who was also part of the Zoning Advisory Group that worked on the vacation rental regulatory approaches, presented a VR-2 license model that sets a target for the proportion of VR to year-round housing, which in turn would set the amount of VR-2 licenses to be issued annually. His model used 2010 Census figures with a 10% increase factored in for the number of year-round and seasonal dwelling units for the decade between then and now. The model also used an overall growth rate set at 1% for going forward. Staff will continue refining the model, as well as look at possibly setting the number of VR-2 licenses/permits as a % of the number of single-family dwelling units in town.

J. Fitzpatrick presents model, explains background

Discussion of using different numbers and percentages in the model

There was discussion about if the VR-3 threshold and the number of VR-2 licenses should be in Chapter 125 or Chapter 190. In Chapter 125 (the Land Use Ordinance) it would provide consistency/predictability over time as amendments are done through a ballot vote; however, if corrective action on these numbers was needed, it would take at least six months before a change could be considered by the voters. In Chapter 190 (Vacation Rentals) it would provide for prompt corrective action (less than two months), as the Council can vote to amend the ordinance after a public hearing. But it would mean possibly less predictability over time.

Continued discussion about VR-3 threshold and VR-2 cap, and where such rules belong: 125 or 190

Pros and cons

There was extensive discussion about possible changes that might be made, and what the time frame looked like for the process moving forward. The Planning Board agreed to continue the discussion on Monday, June 15 at a workshop set for 3:15 PM.

More discussion, agreement to hold a workshop on 6/15

Mr. Fitzpatrick moved to request staff to schedule a public hearing for July 8, 2020 to review Chapter 125 (Land Use Ordinance) and Chapter 190 (Vacation Rental Licensing) proposed amendments. Vice-chair Cough seconded the motion. It was noted that Chapter 190 is not the Planning Board's purview, but that it is relevant to the discussion on changes to Chapter 125. The motion then carried unanimously (5-0) on a roll-call vote.

Schedule a public hearing for July 8, 2020 to discuss proposed VR LUO amendments: CARRIES, 5-0

VIII. OTHER BUSINESS (*None*)

No other business

XI. ADJOURNMENT

At 5:46 PM, Vice-chair Cough moved to adjourn and Mr. Fitzpatrick seconded the motion. It then carried unanimously (5-0) on a roll-call vote.

Meeting adjourned at 5:46 PM, 5-0

Minutes approved by the Bar Harbor Planning Board on August 5, 2020:

8/10/20
Date  Basil Eleftheriou Jr., Secretary, Bar Harbor Planning Board