



Employee Living Quarters and Shared Accommodations

Final Report

January 9, 2020

***(Updated after public hearings at the
January 8, 2020 Planning Board meeting)***

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INTRODUCTION

This report is a blueprint for possible revisions to the Land Use Ordinance to address employee housing. The proposal is to add two new uses – Employee Living Quarters and Shared Accommodations – as well as related special development requirements to the Land Use Ordinance and to create a related licensing ordinance.

Background

Bar Harbor has struggled for many years to find the right balance between fostering a variety of employee housing and protecting single-family neighborhoods. A proposed amendment to the Land Use Ordinance, relating to employee housing (known generally as the Dormitory amendment) was brought forward, discussed, and debated earlier this year. On July 16, 2019, the Town Council voted not to place the proposed Dormitory amendment on the November 2019 ballot. The Planning and Code Department, with help from the ad hoc Zoning Advisory Group (ZAG), reviewed and revised the proposed Dormitory amendment. All correspondence pertaining to this process was sent to the Town Council, Planning Board, and the ZAG. In the following pages are presented: 1) Process; 2) Proposed framework for the Employee Living Quarters; and 3) Proposed framework for Shared Accommodations.

01. PROCESS

ZAG

An ad hoc ZAG provided Planning and Code staff with feedback and direction with this effort. The ZAG consisted of the following four people: 1) Kevin DesVeaux - resident, co-owner of West Street Café; 2) Misha Mytar - resident, project manager with Maine Coast Heritage Trust; 3) Tom St. Germain - resident, owner of Jack Russell's Steakhouse & Brewery, and Planning Board chairman; and 4) Lilea Simis - resident, co-owner of Town Hill Market. During September and October, staff met with the ZAG six times.

WORKSHOPS

Work drafts were presented and discussed at 10 meetings:

- 1) October 2, 2019 Planning Board meeting
- 2) October 16, 2019 special Planning Board meeting
- 3) October 23, 2019 joint Town Council and Planning Board workshop
- 4) October 30, 2019 Planning Board meeting
- 5) November 13, 2019 special Planning Board meeting
- 6) November 19, 2019 Town Council meeting
- 7) December 4, 2019 Planning Board meeting
- 8) December 10, 2019 special Planning Board meeting
- 9) December 17, 2019 Town Council meeting
- 10) January 8, 2020 Planning Board meeting (public hearings)

Listening Session

A public listening session was held on September 11, 2019 after a mass mailing (more than 1,400 pieces) went out to property owners in 17 zoning districts (plus abutters with 300 feet of these districts) and a notice was published in the *Islander*. The listening session was attended by 57 residents. Of those, 53% reside in the Downtown Residential District.

What we heard is that residents:

- Value their neighborhoods for the sense of community.

- Are concerned with dark houses/neighborhoods, noise and trash in the summer, and lack of available housing for families and year-round workers who are starting out here.
- Are concerned with too many workers housed on one site.
- Want to see standards for health and life safety; adequate egress, sprinklers, etc.
- Want the town to enforce/ensure compliance.
- Are concerned that the de-facto rooming houses are poorly maintained/unsafe, and may be dangerous.
- Almost unanimously support the concept of employee housing as an on-site accessory use but are concerned with its siting at the edge of a property, possibly raising issues with abutters.
- Want to see workers housed out of town/off-island and bused in, although one resident said keeping them away from the community they work in is not acceptable.

Public Information Session

A public information session was held on November 6, 2019. At the meeting staff presented a version of this document. We heard comments and answered questions. We advertised the meeting in the same way as we did in September for the listening session. The November 6 information session was attended by 45 citizens.

The majority of the people attending were not in favor of allowing any Shared Accommodations, namely SA-1 (3 to 8 people), in the Downtown Village Transitional and Downtown Residential districts. They felt that more data was needed to gauge the need for SAs. They feared that the proposal could result in numerous SA-1 in these two districts which could negatively affect neighborhoods and that SA-1 would compete with single-family homes by possibly taking them off the market. However, there was also recognition that SAs are important as they will benefit many small businesses and that the town needs more employee housing options. Similar to the September meeting, there was support for workers to be housed outside of the village and be bused in. Some people said they would rather live next door to well-maintained vacation rentals than employee housing.

Written Comments

Since this summer, we have received more than 10 written comments on the proposed Dormitory/employee housing amendments which have been shared

as the review/revision process has taken place. Authors of these comments included town councilors, business owners and private citizens.

Site Visits

YWCA - On September 23, 2019, staff (Planning Director Michele Gagnon, Assistant Planner Steve Fuller, and Code Enforcement Officer Angela Chamberlain) toured the YWCA building on Mount Desert Street. We learned that there are 45 beds in 26 rooms. Rooms with two beds work well. The solarium (third-floor room with 7 beds) works well as each person has a defined space. There is a waiting list. They are licensed by the state as a place of lodging (they provide linens); therefore, the lodgers are not tenants and can be evicted if they cause trouble. Guests, smoking/drinking, and firearms are not allowed. There is no curfew. There is management around the clock. There is one kitchen for 45 women (they house only women, and any children up to age 7). Many of the occupants eat at work. There is one washer/dryer. There are three bathing facilities and seven toilets.

Acadia Corp. Housing - On October 17, 2019, the Planning Director along with Alf Anderson from the Bar Harbor Chamber of Commerce toured three of Acadia Corporation's housing structures on Main Street. During the site visit we were able to ask questions directly of the tenants and again we heard that it is not the size of the room that is important but the ability to have a defined private space. If it was not in violation of the family definition of the Land Use Ordinance (maximum of 5 unrelated people), they would put up to three people in certain bedrooms as there is a lot of wasted space. Most of these rooms could not be divided because of egress issues. The apartments at 134 Main Street that were renovated in the mid-2010s work well, have double occupancy and room sizes ranging between 140 to 157 square feet (70 to 79 SF/person). Acadia Corporation has a greater need for kitchens than an employer that provides an employee dining room (EDR – a place where food is provided to staff). The number of kitchens per person is dependent on the size of the kitchen and if they have access to an EDR. They also have apartments with only efficiency kitchens (refrigerator, microwave, and radiant plate). Although efficiency kitchens are great in terms of fire safety, the tenants said that they would prefer having an oven/stove. One bathroom for 4-5 occupants works but one bathroom for 2 occupants is more favorable. They provide linens. Although some apartments do not have a washer/dryer, it works better with them.

MDI Hospital - On October 18, 2019 and November 18, 2019 staff met with MDI Hospital. The hospital houses about 17 people in the Village area. On-call and some temporary staff are housed in sleep rooms (ex-hotel rooms) which are intended for them to rest in while they are on call. The visiting residents

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and students, as well as travelling staff, share houses that are either hospital-owned or rented and may stay less than 30 days. It was mentioned that it would be more cost effective and decrease the need to use single-family homes if these temporary living arrangements would not have to comply with the definition of family in the Land Use Ordinance. Of the hospital's 550 staff members (full and part time), about 50% live off island, 27% live in Bar Harbor, and 23% live elsewhere on the island.

Ocean Properties Hotels and Resorts - On October 29, 2019, staff (Planning Director Michele Gagnon and Assistant Planner Steve Fuller) met with Eben Salvatore, local director of operations for Ocean Properties Hotels and Resorts (OP). The company houses about 320 worker in Bar Harbor. We visited five sites.

Ledgelawn Inn - These buildings were approved as transient accommodations and therefore do not need to comply with the area per (and definition of) family requirements. There are about 75 workers housed into two buildings – 50 in the main building and 25 in the adjacent carriage house. Building management/oversight is the most important factor to having such housing work well. There are security cameras in both buildings. A night security guard lives in the main building and is on-duty for the entire site between 9 PM and 3 AM. Buildings have keypad entry controls. OP has pest control for all of its employee housing, as prevention is the best way to go. There are around 25 parking spaces but only six workers had cars this summer.

There is not a lot of cooking taking place as the workers get one free meal per shift. There is one common kitchen (in the main building) equipped with two stoves, two refrigerators, two sinks, and one dishwasher. The kitchen door is locked at 11 PM. There is one small common room. Unit occupancy size varies from two to six occupants per unit with most units having either three or four occupants. Some of the larger units have privacy walls. There are no bunk beds. There is one full bathroom, one microwave, and one mini fridge for approximately every three occupants. There are five stackable washer/dryer units (all in the main building) for the 75 occupants. Laundry detergent, toilet paper, and linens are provided.

RainWise - The building, a former meteorological equipment plant, was converted to apartments in 2015. It meets the area per (and definition of) family requirements. There are security cameras. Building/room access is by swipe card. Forty people live in eight efficiency units located on three floors. Each unit has one bedroom with three beds and a shared full bathroom, one bedroom with two beds and a shared full bathroom, a small common room, and an efficiency kitchen (radiant plate/no stove). The average floor space per occupant is 85 square feet. There are four stackable washer/dryer units for the entire building. There are 11 parking spaces but this year none of the residents

had cars. Security is provided by OP – not dedicated on-site staff, but they are on-call, nearby and able to respond in a reasonable amount of time.

Rodick House and Acadia Apartments - Meet the area per (and definition of) family requirements. All have pretty much the same layout of one house or unit with five people in three bedrooms. One kitchen, one living room, two bathrooms, and one washer/dryer (with the exception of Acadia Apartments that has one bathroom per unit and one laundry room for the whole 16-unit complex). We did not visit the Lenox House and the Yellow House, both of which are on West Street, but it is our understanding that they are set up in pretty much the same way.

7 Billings Avenue - There are two units; each with 5, single-occupancy bedrooms and individual bathrooms. We did not visit the adjacent/associated property at 96 West Street, but it is our understanding that there is one unit there which is set up in similar fashion. This housing is for OP's management-level staff. Each unit has a shared kitchen, living room space and stackable washer/dryer.

Stronholtz House – This house was converted to employee housing a long time ago. We did not visit it, and do not have details about how it is set up inside.

Witham Family Hotel - David Witham sent us an email stating that his company owns seven single-family houses and 11 apartments, located in nine structures, used as worker housing.

Survey

To ensure due diligence and help us better frame employers' housing needs now and in the future, we have developed a housing needs survey in coordination with the Bar Harbor Chamber of Commerce and the town's Polco Engagement Coordinator. We hope to have the results soon.

Purpose

Curtail the displacement of working families out of town and off-island and increase the availability of housing for year-round residents by encouraging employers to provide quality and safe employee housing for their seasonal workforce that does not require the use of year-round housing stock.

Method

- Develop land use regulations that allow employers to provide affordable and adequate employee housing by reducing their need to use residential homes.
- Provide opportunities for employers to locate employees on site.
- Develop licensing and inspection provisions for quality employee housing that ensures the health, safety and welfare of the seasonal employees and of the community while protecting the character and quality of life of neighborhoods.

Benefits

- Improved living conditions for employees.
- Protect the character and quality of life of the neighborhoods.
- Reduce reliance on single-family homes by employers to house seasonal employees, and eventually return those homes to year-round occupancy.
- Reduce the need of employee transportation (and by extension, help traffic overall).

Consistency with Comprehensive Plan

The proposal is consistent with the Comprehensive Plan (2007 update) as follows:

The opening paragraph of the Comprehensive Plan's Vision Statement states, in part, that it "is the varied population of young and old, new comers and old timers, students, retirees and workforce members that makes Bar Harbor Special." (II-1)

Goal 2: To encourage orderly growth that protects the character of the Town and its economy, allows commercial and residential growth, and prevents development sprawl. (III.A-17)

Policy 2A: To preserve and enhance the present level of tourism and encourage managed-growth in this sector. (III.A-17)

Strategy 2A3: Continue to seek ways to make regulations more user friendly, efficient, and streamlined to reduce costs to businesses while providing adequate protection of town character (III.A-18)

Goal 3: To encourage economic development that increases job opportunities, has a low environmental impact, and supports a sustainable year-round economy. (III.A-34)

Strategy 3A2: Identify and implement ways to support the strategic plans of Acadia National Park, the Jackson Laboratory, MDI Biological Lab, College of the Atlantic, MDI Hospital, the hospitality industry [lodging, restaurants, and specialty retail], and the fishing industry, including regulatory and capital support, as appropriate. (III.A-35)

Goal 6: To encourage and promote decent and affordable housing opportunities and slow off-island migration. (III.A-56)

Strategy 6A2: Amend the LUO to allow dormitory type structures for workers near businesses that generate seasonal or year-round jobs and to provide other incentives that encourage affordability, including but not limited to height restriction and lot coverage requirements. (III.A-56)

Strategy 6B1: Work with public, private, and non-profit interests in the community and region to provide more affordable and work force housing in Bar Harbor and the rest of the island. (III.A-57)

Policy 6C: To continue to support and expand municipal code enforcement to ensure that property owners comply with the LUO, building code standards are met, and weekly rentals and transient accommodations are safe for visitors. (III.A-58)

Consistency with Housing Policy Framework

The proposal is consistent with the Town's Housing Policy Framework adopted by the Council on October 1, 2019 (namely Strategy 2 - Develop Zoning for Employee Housing).

02. EMPLOYEE LIVING QUARTERS

Framework

DEFINITION

Employee Living Quarters (ELQ): An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. An employee living quarter serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

Relationship to Definition of Family: Boarding house, lodging house, Transient Accommodations, and other forms of group living are listed in the definition of Family as groups that are different than (and which do not constitute) a family. Employee Living Quarters will be added to the list.

PROPOSED ZONING DISTRICTS

125-17	Bar Harbor Gateway
125-19	Mount Desert Street Corridor
125-20	Village Residential
125-21	Downtown Village I
125-21.1	Downtown Village II
125-24	Hulls Cove Business
125-31	Ireson Hill Corridor (no sewer)
125-40	Salisbury Cove Village
125-43	Town Hill Business (no sewer)
125-45	Town Hill Residential
125-47	Shoreland General Development I
125-49	Shoreland General Development II (Hulls Cove)
125-49.1	Shoreland General Development III
125-49.3	Shoreland Maritime Activities

LEVEL OF REVIEW

Planning Board/Major Site Plan
In the Village Residential District allowed by Conditional Use

DEVELOPMENT REQUIREMENTS (IN ADDITION TO SITE PLAN STANDARDS)

1. As an accessory structure, ELQ shall meet the same setbacks as the primary structure.
2. Design Review Board applies to ELQs located in Town Hill Business, Downtown Village I and II, and Shoreland General Development I and II if the ELQ is visible from the street.
3. When an ELQ is visible from the street or from an abutter to the side or back lot lines that is under different ownership or control, the ELQ shall be visually compatible with the principal building and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building.
4. Buffering and Screening standards for this use and any associated parking shall adhere to those listed in §125-67 of the Land Use Ordinance.
5. The floor area of the ELQ shall not exceed 25% of the floor area of the principal building(s) on the lot.
6. Density bonus (lot coverage increases, reserved to the ELQ only) are allowed as follows (generally, increased by 25%):
 - 125-17 Bar Harbor Gateway - Increased from 50 to 63%
 - 125-19 Mount Desert Street Corridor - Increased from 35 to 44%
 - 125-20 Village Residential - Increased w/ sewers from 50 to 63% and w/out sewer from 25 to 31%
 - 125-21 Downtown Village I - Stays at 100%
 - 125-21.1 Downtown Village II - Stays at 70-90%
 - 125-24 Hulls Cove Business - Increased from 75 to 85%
 - 125-31 Ireson Hill Corridor - Increased from 25 to 31%
 - 125-40 Salisbury Cove Village - Increased from 35 to 44%
 - 125-43 Town Hill Business - Increased from 50% to 63%
 - 125-45 Town Hill Residential - Increased from 15 to 19%
 - 125-47 Shoreland General Development I - no change
 - 125-49 Shoreland General Development II - no change
 - 125-49.1 Shoreland General Development III - no change
 - 125-49.3 Shoreland Maritime Activities - no change

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7. There will be language to ensure that a change to another use would need to comply with all requirements.
8. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.

**MINIMUM
PARKING
REQUIREMENTS**

None (as this is an accessory structure)

LICENSING

1. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.
2. Linen (bed sheets, pillowcases, blankets, and pillows) shall be provided.
3. There shall be a minimum of one toilet and one shower for every 5 occupants.
4. Community Kitchen - A minimum of one community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided for the first 8 occupants, and 1 per 12 occupants thereafter. If the employees have access to an employee dining room (EDR) or shift meals, a community kitchen shall be provided for every 45 occupants.
5. Outdoor storage (the keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours) shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.
6. Provide washer and dryer.
7. Provide pest control.
8. Management 24/7. If off-site, available on-site within 30 minutes of being called.

9. Provide weekly trash removal.
10. Property maintenance (to be written using the International Property Maintenance Code as a reference).
11. Yearly inspection by Code Enforcement Officer and Fire Chief and license sign-off by Code Enforcement Officer, Fire Chief, and Police Chief. License renewal by Town Council with a public hearing.

03. SHARED ACCOMMODATIONS

Framework

DEFINITION

Shared Accommodations: Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of Shared Accommodations:

- A. SA-1: 3 to 8 people/structure
- B. SA-2: 9 to 32 people/structure
- C. SA-3: 33 or more people/structure

Relationship to Definition of Family: Boarding house, lodging house, Transient Accommodations, and other forms of group living are listed in the definition of Family as groups that are different than (and which do not constitute) a family. Shared Accommodations will be added to the list.

	SA-1	SA-2	SA-3
	3-8 people	9-32 people	33+ people
PROPOSED ZONING DISTRICTS			
§125-17 Bar Harbor Gateway	YES	YES	YES
§125-19 Mount Desert Street Corridor	YES	YES	YES
§125-21 Downtown Village I	YES	YES	YES
§125-21.1 Downtown Village II	YES	YES	YES
§125-24 Hulls Cove Business	YES	YES	YES
§125-31 Ireson Hill Corridor	YES	NO	NO
§125-43 Town Hill Business	YES	NO	NO
§125-44 Town Hill Residential Corridor	YES	NO	NO

SA-1

3-8 people

CEO

SA-2

9-32 people

Planning Board w/
Major Site Plan

SA-3

33+ people

Planning Board
w/ Major Site Plan

LEVEL OF REVIEW

DEVELOPMENT REQUIREMENTS (IN ADDITION TO SITE PLAN STANDARDS)

1. Design Review Board will apply to all Shared Accommodations in addition to Town Hill Business and Downtown Village I and II (where it is already applicable when visible from the street).
2. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.

MINIMUM PARKING REQUIREMENTS

Parking spaces per occupants based on maximum occupancy

SA-1

3-8 people

0.5/occupant allowed in tandem (max of two in a row) with a minimum of 136 SF/vehicle in:
- BH Gateway
- Mt Desert Street Corridor
- DT Residential
- Hulls Cove Bus.
- Hulls Cove Rural
- Ireson Hill Corridor
- Town Hill Business
- Town Hill Res. Corridor

SA-2

8-32 people

0.2/occupant in:
• Bar Harbor Gateway
• Hulls Cove Business

0.1/occupant in:
• Mount Desert Street Corridor

SA-3

33+ people

0.2/occupant in:
• Bar Harbor Gateway
• Hulls Cove Business

0.1/occupant in:
• Mount Desert Street Corridor

* – The districts at right do not have minimum parking requirements in the LUO currently →

*None required in:
DT Village I
DT Village II

*None required in:
DT Village I
DT Village II

*None required in:
DT Village I
DT Village II

LICENSING

1. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.
2. Linen (bed sheets, pillowcases, blankets, and pillows) shall be provided.
3. There shall be a minimum of one toilet and one shower for every 5 occupants.
4. Community Kitchen - A minimum of one community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided for the first 8 occupants, and 1 per 12 occupants thereafter. If the employees have access to an employee dining room (EDR) or shift meals, a community kitchen shall be provided for every 45 occupants.
5. Outdoor storage (the keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours) shall be screened from public view by a fence, wall, roof, and/or landscaping.
6. Provide washer and dryer.
7. Provide pest control.
8. Management 24/7. For SA-1 can be off-site but must be available 24/7 and on-site within 30 minutes of being called. Must be on-site for SA-2 & SA-3 between 9 PM and 3 AM. Can otherwise be off-site for SA-2 & SA-3, but must meet same 15-minute/on-site rule as SA-1.
9. Provide weekly trash removal.
10. Property maintenance (to be written using the International Property Maintenance Code as reference).
11. Yearly inspection by Code Enforcement Officer and Fire Chief and license sign-off by Code Enforcement Officer, Fire Chief, and Police Chief. License renewal by Town Council with a public hearing. Provide advance notice of public hearing to abutters.