

Draft Order

of the Bar Harbor Town Council

for the June 13, 2023 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

WARRANT ARTICLE

Article **XX** **LAND USE ORDINANCE AMENDMENT – Underground Utilities** – Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the requirement that all utilities be installed underground**” be enacted?

SUMMARY

This amendment would remove a standard in the Land Use Ordinance requiring that all site and subdivision plan projects must install utilities underground.

EXPLANATION

This underground utilities standard adds additional costs to construction projects and has often been modified by the Planning Board at the request of applicants. Removing this standard would not prohibit developers from electing to install utilities underground; rather, it would no longer be mandatory.

An amendment to Article V

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 V General Provisions

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

CC. Outdoor storage or displays. All site plans shall demonstrate that any materials or merchandise to be stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. Except for merchandise sold at farmers' markets and as otherwise provided by the Town Code, no merchandise shall be displayed or stored outside of any business establishment located within the Design Review Overlay District until a certificate of appropriateness has been approved by the Design Review Board pursuant to Article XIII, Design Review.

~~DD. (Reserved.) Utilities. Except for within mobile home parks, utilities shall be installed underground except as otherwise approved by the Planning Board. Underground utilities shall be installed prior to the installation of the final gravel base of the road. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site. All utilities, poles and streetlights shall be installed in conformity with the approved plan.~~

EE. Fire protection.

(1) Detailed building plans for commercial developments in the Downtown Village and Shoreland General Development I Districts, transient accommodations, nursing homes, convalescent centers, retirement communities, private compulsory schools, multifamily dwellings and hospitals shall be approved, in writing, for compliance with Life Safety Codes by the State Fire Marshal's Office or by the Bar Harbor Fire Chief.

(2) No subdivision which has access to a public water supply shall be developed such that any building lot is more than 500 feet from a fire hydrant which has a capacity of 750 gallons per minute.

(3) No subdivision which lacks access to a public water supply shall be developed so that any building lot is more than 2,000 feet from a fire pond having a capacity of 45,000 gallons or a dry hydrant with a capacity of 750 gallons per minute for 60 minutes or some other water source acceptable to the Fire Chief.

(4) All site plans shall demonstrate that the proposed development will not cause an unreasonable burden on the Town's ability to deliver fire protection services.

Given under our hands and seal at Bar Harbor this _____ day of _____, 2023:

Municipal Officers of the Town of Bar Harbor

Valerie Peacock, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Jefferson G. Dobbs

Erin E. Cough

Jill Goldthwait