

The Bar Harbor Town Council will hold a public hearing August 19, 2025 to hear comments on the following proposed amendment to the Land Use Ordinance and consider placing the amendment on the November 4, 2025 Town Meeting Warrant.

WARRANT ARTICLE

Article **XX** LAND USE ORDINANCE AMENDMENT – Capacity Letters – Shall an ordinance, dated June 4, 2025, and entitled “An amendment to modify the capacity letter requirement for site plan review” be enacted?

SUMMARY

This amendment would move the Site Plan Review capacity statement requirement from §125-66 to §125-67.

GENERAL EXPLANATION

The purpose of this change is to ensure Town Staff are signing capacity statements based on final plans supplied by an applicant. These changes would no longer require the capacity letters at completeness review, rather requiring them as part of the compliance review.

LUO Amendment #2025-07
Capacity Letters
Town of Bar Harbor

An amendment to the Land Use Ordinance
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. Site Plan Review

§ 125-66. Submission requirements.

~~F. Approval of capacity and design. Statements from appropriate officials that the proposed development will not cause an unreasonable burden on and, where applicable, approving design plans for construction of or connection to those of the following public services to be utilized or impacted by or constructed for the proposed development:~~

- ~~(1) Police;~~
- ~~(2) Solid waste;~~

- ~~(3) Water supply;~~
- ~~(4) Stormwater disposal;~~
- ~~(5) Sewer and wastewater treatment;~~
- ~~(6) Schools and busing;~~
- ~~(7) Recreation facilities;~~
- ~~(8) Streets, street maintenance and snow removal.~~

F. Reserved.

P. Fire protection. The following items with respect to fire protection: If required by the Municipal Fire Chief or by law, a statement by the State Fire Marshal's Office that it has reviewed preliminary construction plans for the proposed development and has given preliminary approval thereto.

(1) A statement from the Municipal Fire Chief that:

- ~~(a) The proposed development will not cause an unreasonable burden on the Fire Department's ability to deliver fire protection services;~~
- ~~(b) The Fire Chief or his/her designee has reviewed the applicant's proposed locations for fire hydrants, dry hydrants and fire ponds, and other sources of water to combat fire within the development and approves of same;~~
- ~~(c) The Fire Chief or his/her designee has reviewed the location, dimension and construction of proposed access to the site for fire fighting equipment and other emergency vehicles and approves of same;~~
- ~~(d) The Fire Chief or his/her designee, unless the Fire Chief has deferred to the State Fire Marshal's Office or unless the approval of the State Fire Marshal's Office is required by law, has reviewed preliminary construction plans for the proposed development and certifies that such plans comply in all respects with applicable Life Safety Codes (NFPA 101).~~

~~(2) If required by the Municipal Fire Chief or by law, a statement by the State Fire Marshal's Office that it has reviewed preliminary construction plans for the proposed development and has given preliminary approval thereto.~~

§ 125-67. General review standards.

G. Streets, sidewalks and access.

(1) Capacity.

(a) The applicant shall demonstrate by means of an affidavit from the Public Works Director, or their designee, that the proposed development will not cause an unreasonable burden on the Town's streets, sidewalks, and access.

~~(a)(b) New streets and intersections, and streets and intersections giving access to the development and neighboring streets and intersections which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably~~

improved to accommodate the amount and types of traffic generated by the proposed use. No development shall reduce the street's level of service below "D" as determined by using the capacity analysis procedures set forth in the 2000 Highway Capacity Manual, Special Report 209, as published by the Transportation Research Board.

~~(b)~~(c) Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

~~(e)~~(d) The proposed development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads, existing or proposed.

~~(d)~~(e) Where necessary to safeguard against hazards to traffic or pedestrians, or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets or for the connection of internal pedestrian walkways to the nearest public sidewalk when such sidewalk is reasonably close to the proposed development and it is reasonably anticipated that the users of the proposed development will regularly use such sidewalk in connection with their use of the proposed development.

J. Municipal water supply. All site plans shall demonstrate in the form of a signed affidavits from the Public Works ~~Department~~ Director, or their designee, that the proposed development shall not cause an unreasonable burden on the municipal water supply, if such supply is to be utilized, and that said water company has approved the design specifications of any water supply system that shall be connected to the municipal water supply.

L. Stormwater management. All site plans shall demonstrate that the proposed development shall provide for adequate stormwater management in compliance with the following standards and must be maintained as necessary to ensure proper functioning:

(13) All site plans shall demonstrate in the form of a signed affidavits from the Public Works ~~Department~~ Director, or their designee, that the proposed development shall not place an unreasonable burden on the municipal stormwater drainage system, if such system is to be used, and that the Public Works Department has approved the design specifications of any stormwater drainage system that shall be connected to the municipal system.

M. Municipal sewer facilities. All site plans shall demonstrate in the form of a signed affidavit from the Public Works Director, or their designee, that the proposed development will provide for adequate sewage waste disposal and that it shall not cause an unreasonable burden on the municipal sewage waste disposal facilities, if such facilities are to be utilized, and that the Public Works Department has approved the design specifications for any new sewer facilities to be connected to the municipal facilities.

T. Refuse disposal. All site plans shall demonstrate, in compliance with the following standards, that the proposed development will have adequate and environmentally sound means of disposing of the solid and liquid wastes that the proposed development can reasonably be expected to generate.

(1) The applicant shall demonstrate by means of an a signed affidavit from an appropriate official the Public Works Director, or their designee, that the proposed development will not cause an

unreasonable burden on the Town's ability to dispose of solid or liquid wastes if Town services are to be utilized.

EE. Fire protection.

(1) The applicant shall demonstrate by means of a signed affidavit from the Fire Chief, or their designee, that addresses the following:

(a) The proposed development will not cause an unreasonable burden on the Fire Department's ability to deliver fire-protection services;

(b) The Fire Chief or his/her designee has reviewed the applicant's proposed locations for fire hydrants, dry hydrants and fire ponds, and other sources of water to combat fire within the development and approves of same;

(c) The Fire Chief or his/her designee has reviewed the location, dimension and construction of proposed access to the site for fire-fighting equipment and other emergency vehicles and approves of same;

(d) The Fire Chief or his/her designee, unless the Fire Chief has deferred to the State Fire Marshal's Office or unless the approval of the State Fire Marshal's Office is required by law, has reviewed preliminary construction plans for the proposed development and certifies that such plans comply in all respects with applicable Life Safety Codes (NFPA 101).

~~(2)~~ (2) 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.

~~(3)~~ (3) 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.

~~(4)~~ (4) 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.

~~(5)~~ (5) 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.

II. Other municipal services. All site plans shall demonstrate that the proposed development will not cause an unreasonable burden on the Town's ability to deliver other necessary services not otherwise described above, including but not limited to police protection, road maintenance and snow removal, recreation facilities, and schools. This shall be demonstrated by a signed affidavit from an appropriate official that the proposed development will not cause an unreasonable burden on the relevant Town service.

[End of ordinance]