

**Cover Page
for Wednesday, October 4, 2023
Planning Board Meeting & Workshop
Issued on September 29, 2023**

*Project Information is available at https://www.barharbormaine.gov/282/Planning-Board	Material Issued	Issued on 09.29.23
ITEMS		
Cover page with date	✓	
October 4, 2023 Meeting Agenda	✓	
Minutes for approval: <ul style="list-style-type: none"> • September 6, 2023 	✓	
APPLICATIONS: <ul style="list-style-type: none"> • Sketch Plan Review of SD-2023-04 Brigadoon Subdivision <ul style="list-style-type: none"> - Staff Report • Review of Project for Eligibility under Minor Site Plan Review (125-58 B. (4)) <ul style="list-style-type: none"> - Staff Memorandum 	✓ ✓	
Materials for an update on LD 2003 which requires Bar Harbor to amend its Land Use Ordinance to allow increased housing opportunities	The information will be emailed out by Friday evening.	
Materials for the land use amendment <u>priority list</u> review	✓	
Memo for the Design Review Board and ELQ/SA potential land use ordinance amendment discussions	✓	
Materials for the update on possible Land Use Ordinance amendments to expand the number of zoning districts where Employee Living Quarters and Shared Accommodations (1-3) are allowed	✓	
Materials for the Design Review Board amendment	✓	
Workshop materials	✓	



Meeting & Workshop Agenda

Bar Harbor Planning Board

Wednesday, October 4, 2023 at 4:00 PM

Council Chambers — Municipal Building — 93 Cottage Street

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. PUBLIC COMMENT PERIOD

This portion of the agenda is to allow up to 15 minutes of public comment, with a maximum of three minutes per person, on any subject not on the agenda nor on a pending application before the board. Note that the Planning Board will usually hear public comments, in addition to scheduled public hearings, on any agenda item at the time it is being considered.

V. APPROVAL OF MINUTES

- a. September 6, 2023

VI. REGULAR BUSINESS

a. Sketch Plan Review for SD-2023-04

Brigadoon Subdivision

Applicant/Owner: Brigadoon Acres, LLC - Christopher Bettencourt and Denise Carey Bettencourt

Application: Create 14 residential lots on private wells and septic systems and set aside 12 acres as open space.

Project Location: Crooked Road (Tax Map and Lot number: 227-104-000) encompassing a total of ±207 acres, according to town tax records.

Districts: Town Hill Rural, Shoreland Limited Residential, Resource Protection, and Stream Protection Districts

b. Review of Project for Eligibility under Minor Site Plan Review (125-58 B. (4))

Applicant/Owner: Kampgrounds of America, 550 North 31st Street, Billings, Montana, 59101

Project Location: The physical address of the project is 1453 State Highway 102 (Tax Map 219 Lot 38). The land encompasses 47.10 acres.

Districts: Resource Protection, Shoreland Limited Residential, Town Hill Rural, and Town Hill Business districts.

PLEASE NOTE

- The Planning Board has adopted a Remote Participation Policy that allows it to use means of remote participation under certain circumstances.
- By 4:00 PM on Thursday, September 28, 2023, it will be determined if remote participation will be an option for the October 4, 2023 meeting. To find out if remote participation will be an option, and if it is an option how to join via Zoom, go to <https://www.barharmoraine.gov/282/Planning-Board> after 4:00 PM on September 28, 2023.
- All Planning Board meetings are also broadcast live on Spectrum channel 7 (in Bar Harbor), streamed online at https://townhallstreams.com/towns/bar_harbor_me, and archived on that website for later viewing after the meeting.
- Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact Tammy DesJardin at tdesjardin@barharmoraine.gov or at 288-3329.

VII. OTHER BUSINESS

- a. LD2003 Update
- b. Land Use Amendment Priority List Review
- c. Update on possible Land Use Ordinance amendments to expand the number of zoning districts where Employee Living Quarters and Shared Accommodations (1-3) are allowed.
- d. Intro into the Design Review Board amendment
- e. Planning Board discussion on the September 19, 2023 Town Council agenda item XI. 8. Transient Accommodations/Possible Moratorium
- f. Comprehensive Plan Update — Elissa Chesler/staff

VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

X. ADJOURNMENT

Planning Board Workshop

- I. Finish discussing the 2007 comp plan goals/strategies/policies related to the Planning Board.**
- II. Next steps.**



**Meeting Minutes
Bar Harbor Planning Board
Wednesday, September 6, 2023**

I. CALL TO ORDER

Chair Millard Dority called the meeting to order at 4:00 PM. Planning Board members present were Chair Millard Dority, Vice-Chair Ruth Eveland and members Cosmo Nims, Zachary Soares, J. Clark Stivers and Joe Cough.

Town staff present were Code Enforcement Officer Angela Chamberlain, Planner Director Michele Gagnon, Staff Planner Cali Martinez and Fire Chief Matt Bartlett.

II. ADOPTION OF THE AGENDA

Vice-Chair Eveland made a motion to adopt the agenda. Member Cough seconded the motion. The motion then carried unanimously, 6-0.

III. EXCUSED ABSENCES

Vice-Chair Eveland made a motion to excuse Secretary Chesler. Member Cough seconded the motion. The motion then carried unanimously, 6-0.

IV. PUBLIC COMMENT PERIOD

Diane Vreeland of Town Hill said she wanted to the Board to “think more” about shifting projects from “major” to “minor.” “I think it’s really important that you think twice about this,” she said.

V. APPROVAL OF MINUTES

a. August 2, 2023

Chair Millard Dority noted that a quotation on page 5 of 7 infers that Member Cough was asking the applicant to narrow down whether it would be a hotel or a motel, rather than asking “are you sure you’re not narrowing down the uses so it might affect you in the future.” Member Cough agreed that that was his intent, that he was trying not to have them “pigeonhole” themselves.

Planning Director Gagnon said that if it was in quotation marks it was taken verbatim; Member Cough said he stood by what he said and added that it didn't make much of a difference anyway.

Vice-Chair Eveland moved to approve the minutes as presented. Member Cough seconded the motion. The motion then carried unanimously, 6-0.

VI. REGULAR BUSINESS

- a. Public Hearing and Site Plan Review for Completeness/Compliance of SP-2023-05
Acadia Woods Cottages
Applicant: Acadia Wellness LLC do Christy Seed, 1344 State Hwy 102, Bar Harbor, ME 04609
Owner: Acadia Wellness LLC, P0 Box 424, Mount Desert, ME 04660
Application: Construction of 10 transient accommodation units (cabins).
Project Location: 1344 State HWY 102 (Tax Map 227, Lot 15-00 1), encompassing a total of ±6.78 acres, according to town tax records
Districts: Town Hill Business and Town Hill Residential

Greg Johnston and Christy Seed were present. Mr. Johnston gave an overview of the plans, which include ten rental cabins laid out in "pods" to take advantage of the existing trees. The center of the property is open with scattered trees, so one would not be able to see the cabins driving by. "You might see a glancing view through things but it's not a cleared opening," he said. There will be an RV site for a manager to live in-season. There will be no pets allowed and there will be no individual fire pits. There will be small, dome-shielded lights next to the door. The access road already exists, said Mr. Johnston.

Vice-Chair Eveland asked a question about the stormwater maintenance plan, which includes inspection before and after each rain event. Mr. Johnston said it's a recommended best management practice, as it only takes one stick to catch leaves and top a culvert.

Chair Dority asked Members Soares and Stivers if they feel comfortable adjudicating the proposal, given that they were not present. Both said they did.

Vice-Chair Eveland moved to find application SP-2023-05 Acadia Woods Cottages complete per the Bar Harbor Land Use Ordinance §125-66 as the capacity letter from Public Works has been received. Member Cough seconded the motion. The motion then carried unanimously, 6-0, on a roll-call vote.

Chair Dority opened the public hearing at 4:18 PM. Diane Vreeland stood up to speak. She asked whether this is a campground and whether it would be seasonal or year-round. She also asked how many bedrooms there would be. She commented on what she said was an oil explosion

across the street and asked whether that had been addressed with the state. She said she was concerned about the water and wondered where the wells were and how many septic systems there were. “We live on the top of the hill and that’s where the water is.” She said her children live off the Crooked Road and their well goes dry in the summer.

Dessa Dancy said she lives near the top of Town Hill and said the design fits aesthetically very well in Town Hill. “I’m basically supportive of this type of development,” she said, but she had concerns about water quality and quantity. She said she had previously served on the Conservation Commission and the Comprehensive Plan advises limiting development in the recharge area. The top of Town Hill is one “very major recharge area” she said. She said she was also concerned about contamination, and wanted to ensure leachfields were far from nearby wells. She asked several questions about site plan specifics.

Mr. Johnston answered the questions in the order they’d been asked. The cabins will be seasonal with two bedrooms each. It is not defined as a campground. There is no sidewalk planned, he said. Chair Dority said there are no cabins in the residential district. Mr. Johnston pointed out the wells on the site plan and their proximity to other properties.

There was a discussion about traffic counts; Mr. Johnston said the applicant had gotten a report from Maine Department of Transportation, which has reissued a permit for the use.

Ms. Dancy said she thought this would need a public water supply given the level of occupancy. Mr. Johnston said there is a letter in the packet from the state agreeing that there would not be public water supply. That’s “why you split up multiple uses on multiple wells,” said Mr. Johnston. There was a discussion on the threshold that would trigger public water supply. “We feel pretty confident about the water quality,” said Mr. Johnston. Septic tanks will stay with the building, said Mr. Johnston, in response to a question. It is over-designed because it was designed on three bedrooms, and the cabins were downgraded to two bedrooms. There will be a wooded buffer between the cabins and the wetland, said Mr. Johnston, in response to a question.

Planning Director Gagnon said the Maine Department of Environmental Protection website does not, to her reading, indicate any known contamination on the site.

Chair Dority closed the public hearing at 4:37 PM, seeing no one else indicating a desire to speak.

Vice-Chair Eveland moved to approve the application SP-2023-05 Acadia Woods Cottages complete per the decision dated September 6, 2023 as it meets the standard of the LUO §125-67 and §125-69 O with the following conditions:

1. **The applicant needs to demonstrate that it has filed the basic MDEP stormwater permit by rule and that the applicant was not notified of any issues or deficiencies within 14 days of receipt by the state.**
2. **The applicant needs to submit a revised HHE-200 form.**
3. **The applicant needs to submit a revised site plan to show how the electrical utilities connect from the proposed two transformers to the cottages.**
4. **The applicant needs to provide a street name for the road issued by the addressing officer**

Member Cough seconded the motion. The motion then carried unanimously on a roll-call vote, 6-0.

VIII. OTHER BUSINESS

- a. **Presentation on the NFPA requirements for residential sprinkler systems — Fire Chief Matt Bartlett**

Fire Chief Bartlett thanked the Board for the opportunity to come before them. He said he wanted to clarify why some projects require sprinklers and others do not. He began by showing several videos, including one showing the progression of a fire. Fires behave differently than they used to given the nature of materials in homes, which is why, he said, sprinklers are now more necessary. It takes just a few minutes, given synthetic materials in homes now, for a room to be “unsurvivable,” said Chief Bartlett.

Chief Bartlett went through the Life Safety Code mentioned in the Land Use Ordinance (LUO). The state Fire Marshal has pushed to adopt mandated sprinkler systems for single family dwellings, despite the NFPA code requiring them, but has yet to do so, and Bar Harbor is following the state. There are hydrants on Route 3 that do not meet the 750 gallon per minute requirement, he said. He explained how he decides what is acceptable as a water source for projects.

Member Cough asked a question about the decision-making process. “Is there any give and take with the developer?” Yes, we do have discussion with the developer and given alternatives, said Chief Bartlett.

Member Stivers asked a question about what happens if the department, as was previous procedure, turns power off when responding to a fire, and how that would affect sprinkler performance. The sprinklers are primarily there to give residents time to escape, said Chief Bartlett.

Chief Bartlett went through the pros and cons of fire ponds and dry hydrants.

Vice-Chair Eveland asked about ponds during droughts. That is a concern, said Chief Bartlett, and the department accounts for that.

Chief Bartlett gave an overview of residential sprinkler systems. They activate by temperature within 5 seconds, he said. Fires can be deadly for residents of a home, and Bar Harbor has experienced several firefighter deaths in his three decades with the department, four of which have been in homes.

Chair Dority said the LUO asks simply for a letter saying the Chief has approved the fire protection plan. That feels sort of odd, he said, that the Board does not have authority to enforce a certain plan or system.

This presentation has shown that there's a lot of considerations going into that letter, said Vice-Chair Eveland, but suggested there might be a way of reinforcing what goes into the letter.

"I'm all about finding a better way to do this," said Chief Bartlett, adding that he hoped that that would be moving in the direction of requiring sprinkler systems.

Member Cough said he has no issues with sprinklers, but wanted to ensure the ordinance was being applied evenly and fairly. Member Nims asked how many new construction buildings in Bar Harbor do require sprinkler systems. Chief Bartlett said he would have to get that figure.

Chair Dority asked about next steps. Chief Bartlett said it would be necessary to engage the public and the Board and do due diligence. "I want to do this as a group and work together... we want it to be something everybody feels good about."

Member Cough asked whether the town might look at some kind of a rebate for the system given that it is a burden on the homeowner, and as a way to incentivize it. Chief Bartlett said he hoped insurance companies would reduce rates for homes with sprinkler systems.

- b. Presentation on LD 2003 which requires Bar Harbor to amend its Land Use Ordinance to allow increased housing opportunities. — Planning Director Michele Gagnon

Planning Director Gagnon thanked Chief Bartlett for his work and presentation. She gave an overview of the Board's packet. Bar Harbor has until July, 2024 for the law to take effect, because of its governmental structure. Even towns that do not pass the ordinances must comply with the law. The state preempts municipalities from being more stringent than state law.

Bar Harbor would like to simplify the LUO, she said, and explained some of the staff's reasoning behind the proposal.

Planning Director Gagnon went through the three categories of increased housing opportunities. Staff have developed three overlays that will work with the amendment that accomplishes what the state is trying to do. She went through the three overlays and then explained the definition of affordable housing for both owned and rental housing.

Developers are eligible for a density bonus, said Planning Director Gagnon, when they comply with certain state standards, meet the definition of an Affordable Housing Development, are located with the Housing Opportunity Multifamily Dwelling Overlay and meet certain income requirements. There must also be recorded covenants to restrict it to households under a certain income for at least 30 years and a third party that will enforce the covenants.

Member Nims asked what percentage of units in a building must meet the affordability requirements for it to be considered affordable housing. Planning Director Gagnon said she believed that figure was 51%.

Planning Director Gagnon went through how an overlay works. The zoning still applies "to a certain extent," she said, but the overlay adds to zoning in a district. She then explained the density bonus.

Member Cough asked whether the town was allowed to be more or less strict than the state. It depends, said Planning Director Gagnon. Towns cannot be more stringent, but in certain places throughout the rules they are allowing towns a choice of being less or more. This is the least stringent, she said, because she wants to make it more likely that voters will pass it.

The proposal must comply with DEP's shoreland zoning as well as the town's standards, if they're more stringent, said Planning Director Gagnon, in response to a question from Member Cough.

Planning Director Gagnon recommended the Board "not put too many balls in the air at once" and take the least stringent approach to give it a better chance of passing. She continued with her presentation, explaining the section on multiple dwelling units where residential units are allowed.

Planning Director Gagnon continued on to an explanation of Accessory Dwelling Units, entertained some clarifying questions from Board members and explained next steps. Members should be thinking about the definition of residential uses, she said, as well as whether they want

any of the uses to be allowed to be used for vacation rentals. Staff plan to structure this amendment to ensure it will be passed by the voters.

There was a discussion on dimensional standards and next steps. Staff will create a table of dimensional standards per district for a future discussion.

- c. Update on possible Land Use Ordinance amendments to expand the number of zoning districts where Employee Living Quarters and Shared Accommodations (1-3) are allowed. — Staff Planner Cali Martinez

Staff Planner Martinez gave an overview of what had occurred at the last meeting for those who were not present; she also went through the results of a survey she had sent out regarding workforce housing needs for rural employers.

Ms. Martinez went over some highlights of the survey so far. Some of the respondents included owners and/or managers of a farm, restaurant, campground, or a retail store. One of the questions asked if business were interested in collaborating in co-owning employee housing. Roughly $\frac{2}{3}$ said “no” or that they were “unsure.” Some respondents said they did not need employee housing, one said they were unsure because it depended on who the collaborator would be and where the housing would be. Another said they would only want to house their own employees; one said they didn’t want to spend money on co-housing.

Staff Planner Martinez said that, based on that feedback, she would not propose allowing SA-1s where she is proposing ELQs. But that can be further discussed during listening sessions in October, she said.

Staff Planner Martinez said that survey respondents indicated that 83% of their employees use a personal car. She said that, in response to that she would recommend one space per living quarter. Member Cough cautioned against locking into a particular number or using one per living quarter. He said that in his view it should be one parking spot per person, as that’s what the data indicated. Chair Dority liked the idea of parking requirements being lower if an employer provides a shuttle.

Member Stivers said that while this is a big problem in downtown Bar Harbor, he wondered how much of an issue there would be outside of that, particularly on farms, which tend to have a lot of space.

Vice-Chair Eveland said it’s a trade off - “we want people to be able to have agency,” she said, but there’s a business issue as well - how much land does one want to give over to support employees? “We don’t want people to be constrained and unable to have a vehicle.”

Chair Dority wondered if one space per bed would be a little restrictive. “We need to talk a lot more about this,” he said. Staff Planner Martinez said she would like to have something to present at the listening sessions in October, which were set to happen after the next Board meeting.

Planning Director Gagnon suggested a more flexible standard. “We don’t want the creation of unneeded impervious surfaces. We want safety, we want them to be out of the road, we want them to be able to park.” Perhaps a different standard could apply to agricultural uses such as farm, she suggested.

67% of survey respondents said they would want to house between 1 and 8 employees on site, continued Staff Planner Martinez.

Listening sessions will be in mid-October, she said.

Planning Director Gagnon brought up a comment made at a Town Council meeting the evening prior. Paraphrasing, she said that the comment was essentially that people who are housed by their employers may not speak up regarding concerns they have because their housing is tied to their employment.

“The concern is not to develop slum housing,” said Vice-chair Eveland. There are life safety standards, said Staff Planner Martinez, and annual licensing.

d. Comprehensive Plan Update — Elissa Chesler/staff

Planning Director Gagnon gave a brief update. There will be a workshop in mid-September, she said. At a recent meeting it became clear the agenda for the mid-September meeting would not have time to discuss all of the work, including the vision and land use plans, etc. Because of that, staff are proposing another workshop on September 27, 2023. “There’s a lot on the docket,” she said.

IX. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA

Vice-chair Eveland asked if staff could do a check in on the priorities list they prepared some months ago. “Just so we can see what we’ve accomplished,” she said. Planning Director Gagnon said she would love to bring this.

X. REVIEW OF PENDING PLANNING BOARD PROJECTS

XI. ADJOURNMENT

**Member Cough moved to adjourn. Vice-Chair Eveland seconded the motion.
The motion then carried unanimously, 6-0.**

Minutes approved by the Bar Harbor Planning Board on October 4, 2023:

a. Elissa Chesler, Secretary,

Date



TOWN OF BAR HARBOR

Planning and Code Enforcement Department

93 Cottage Street

Bar Harbor, ME 04609-1400

STAFF REPORT

SUBDIVISION PRE-APPLICATION SKETCH PLAN REVIEW

SD-2023-04 Brigadoon Subdivision

- Issued:** September 27, 2023
- PB meeting date:** October 4, 2023
- Allowed Use:** Subdivision of land for residential purposes
- Applicable Laws:** 125-72 submission requirements for pre-application sketch plan
- Applicant/Owner:** Brigadoon Acres, LLC - Christopher Bettencourt and Denise Carey Bettencourt
- Application:** Create 14 residential lots on private wells and septic systems and set aside 12 acres as open space.
- Project Location:** Crooked Road (Tax Map and Lot number: 227-104-000) encompassing a total of ±207 acres, according to town tax records.
- Districts:** Town Hill Rural, Shoreland Limited Residential, Resource Protection, and Stream Protection Districts
- Process:**
1. Applicant presents application
 2. Questions and comments from the board
 3. Public comment period – *mandatory for sketch*
 4. PB informs applicant of “specific suggestions to be incorporated by the applicant in subsequent submissions.”
 5. PB acts, provides guidance on submission of waiver requests – *we recommend not acting on waivers, just to provide guidance.*
- Proposed motion: **Move not to act on submission of waiver requests for SD-2023-04 Brigadoon Subdivision as this is only a pre-application, the applicant has no vested rights, and it is too early**

in the process to make such decisions, the board would have to act again on the submission of waiver request at the completeness review meeting creating confusion, and as the board has provided guidance to the applicant on the waiver requests.

6. Schedule site visit and consider the need for a neighborhood meeting.
Proposed Motion: **Move to have staff schedule a site visit and a neighborhood meeting.**

Staff Comments

The Planning Board has the option to ask for a neighborhood meeting. As this project is surrounded by many residential lots, staff believe that a neighborhood meeting will help achieve greater community understanding of the project.

Notes - the following notes relate to future reviews of the project and contain general reminders to assist with continuity over time

- The deeds need to state that any dwelling units would need to include a residential sprinkler system.
- Need capacity letter from PD, PW, and FD
- Need clarification that 125-67 E (19) is being met with Lots 1-5.
- Specifications for the subdivision road regarding road width suitable for emergency vehicles (for Fire Chief approval)

Citizen Comments

No written comments were received at the time this report was drafted. A few citizens came to the office to look at the application or called with questions.



Town of Bar Harbor Planning & Code Department
93 Cottage Street • Suite 1 • Bar Harbor • Maine • 04609-1400

Memorandum

To: Planning Board
Copy: Angie Chamberlain, CEO and Cali Martinez, Staff Planner
From: Michele Gagnon, Planning Director
Date: September 28, 2023
Subject: Review of Project for Eligibility under Minor Site Plan Review (125-58 B. (4))

On July 27, 2022, Kampgrounds of America/Terramor Outdoor Resort (KOA) was granted approval for a minor site plan known as MSP-2022-02 Terramor Wellness Tent, Outdoor Showers and Fire Pit.

On November 2, 2022, KOA was granted approval for a major site plan know as SP-202-09, Terramor Employee Campsite Infrastructure and Laundry Building.

Per 125-61 G. (6), an applicant may submit one minor site plan . . . in any three-year period per parcel of land. If an applicant wishes to submit more than one minor site plan . . . on the same parcel within a three-year period, the Planning Board shall be consulted to determine the appropriate review per 125-58B(4).

As KOA has already submitted one minor site plan within the last three years, it is asking the Planning Board for consideration to substitute major site plan review by the board to minor site plan review by the Planning Director, as provided for under 125-58 B.(4), as the project will not have a significant impact on the neighborhood or on the environment (see attached email) and meets the purpose of site plan without public review.

The subject property, located at 1453 State Highway 102 (Tax Map 219, Lot 38), is in the Resource Protection, Shoreland Limited Residential, Town Hill Rural, and Town Hill Business districts.

The project, approved by the Planning Board on November 2, 2022, as SP-2022-09, included the conversion of approximately 26,694 square feet of impervious area to pervious area as reinforced turf for the purpose of meeting lot coverage. The applicant proposes to use TrueGrid permeable pavers instead of the originally approved reinforced turf. There will be no other changes to the project.

Proposed motion: Move to _____ (allow/not allow) the proposed use of TrueGrid permeable pavers instead of the originally approved reinforced turf to be reviewed as a minor site plan.

TERRAMOR

OUTDOOR RESORT // BAR HARBOR



September 14, 2023

Town of Bar Harbor Planning Board
93 Cottage Street
Bar Harbor, ME 04609

Dear Town Planning Board Members,

I am writing to request consideration for an amendment to Decision SP-202-09, specifically in Sections III.A.2 and III.B, which address the reinforced turf requirement. My proposal seeks permission to employ the TrueGrid permeable paving system as an alternative construction method, replacing the original reinforced turf plan.

Under Section 125-61(G)(6) of the city's zoning regulations, this amendment qualifies for review as a minor site modification, as it primarily involves altering construction materials while preserving the original intent of the decision.

The current reinforced turf plan entails scraping loose stones, spreading soil mix, and seeding, along with a three-year performance guarantee to ensure grass growth (refer to attached reinforced turf detail).

In contrast, the alternative method employing the TrueGrid permeable paving system involves removing the existing gravel, installing the TrueGrid permeable paving system, and new stone aggregate (see attached manufacturer specifications).

Through this alternative approach, we believe that TrueGrid permeable pavers not only meet lot coverage requirements but also provide a more robust surface for vehicular traffic. Furthermore, it eliminates the need for a performance guarantee to ensure grass growth.

I kindly request your consideration of this amendment as a minor site modification, allowing the implementation of TrueGrid permeable pavers in place of reinforced turf. I stand ready to provide any necessary documentation, additional information, or engage in discussions to expedite the review process.



1453 ME-102

BAR HARBOR, ME 04609

207-288-7500

terramorresort.com

@terramorresort

TERRAMOR

OUTDOOR RESORT // BAR HARBOR



Thank you for your attention to this matter. I eagerly await your response and the opportunity to contribute to our community's sustainable and resilient development.

Sincerely,

Eric Rathburn
Vice President Real Estate Development
813.326.7007

Attachments:

Reinforced Turf Detail
TRUEGRID Manufacture Specifications
Terramor Site Plan – 9-14-2023



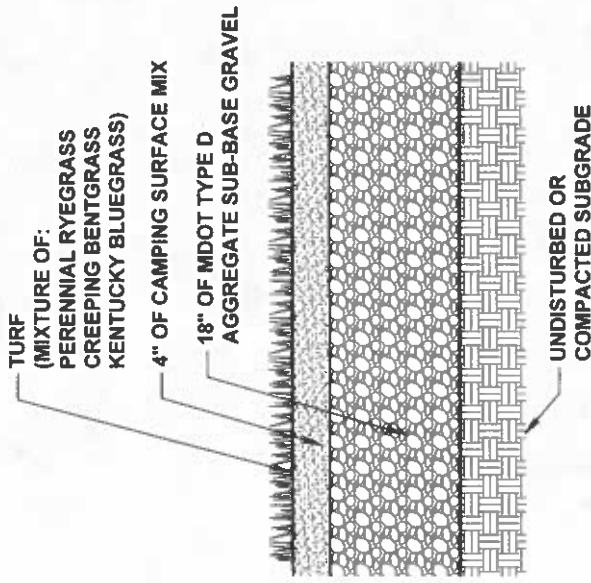
1453 ME-102

BAR HARBOR, ME 04609


207-288-7500

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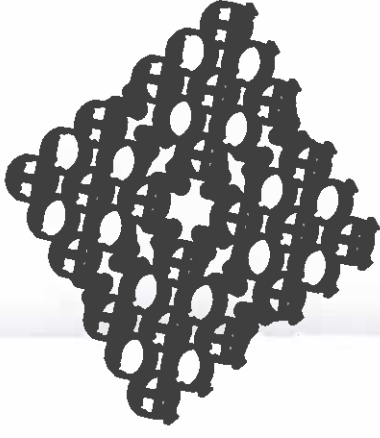


NOTE:
7/8 INCH MINUS SHALL BE MIXED WITH TOPSOIL AT
A PROPORTION OF 70% MDOT TYPE A TO 30%
LOAM

PROJECT	THE WOODLANDS KAMPGROUNDS OF AMERICA, BAR HARBOR, MAINE		BY	WAB
	TITLE		DATE	2022.09.26
		DWG No.	2	
		JN	12434.010	REV.
		SCALE	N.T.S.	REV DATE
 HALEY WARD ENGINEERING ENVIRONMENTAL SURVEYING				

NOTES:

1. SUB-BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
2. TRUEGRID PRO PLUS PRODUCTS DESIGNED FOR LOAD CAPACITIES OF 120,000 LBS PER SQ. FT. TRUEGRID PRODUCTS STRENGTHEN WITH FILL MATERIAL.
3. TRUEGRID PRO PLUS PRODUCTS ARE SUFFICIENTLY RATED FOR H-20 /HS-20 LOADING AND GREATER.
4. GEOGRID MESH OR GEOFABRIC MAY BE REQUIRED BETWEEN SUB-GRADE & SUB-BASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
5. INCREASE SUB-BASE DEPTH FOR INCREASED STORM WATER DETENTION.
6. NO STAKING NECESSARY WITH TRUEGRID PRO PLUS WHEN SLOPE IS BELOW 10 DEGREES. ASSESS PROJECT, AS NEEDED.
7. FINAL ENGINEERED CROSS SECTION AGGREGATES AND DEPTH SHOULD ALLOW FOR EXPECTED INFILTRATION RATES, STORAGE CAPACITIES, OUTLET FLOW RATES, AND OTHER SITE SPECIFIC CONDITIONS AND LOAD REQUIREMENTS.
8. THIS CROSS SECTION IS FOR INFORMATION ONLY.



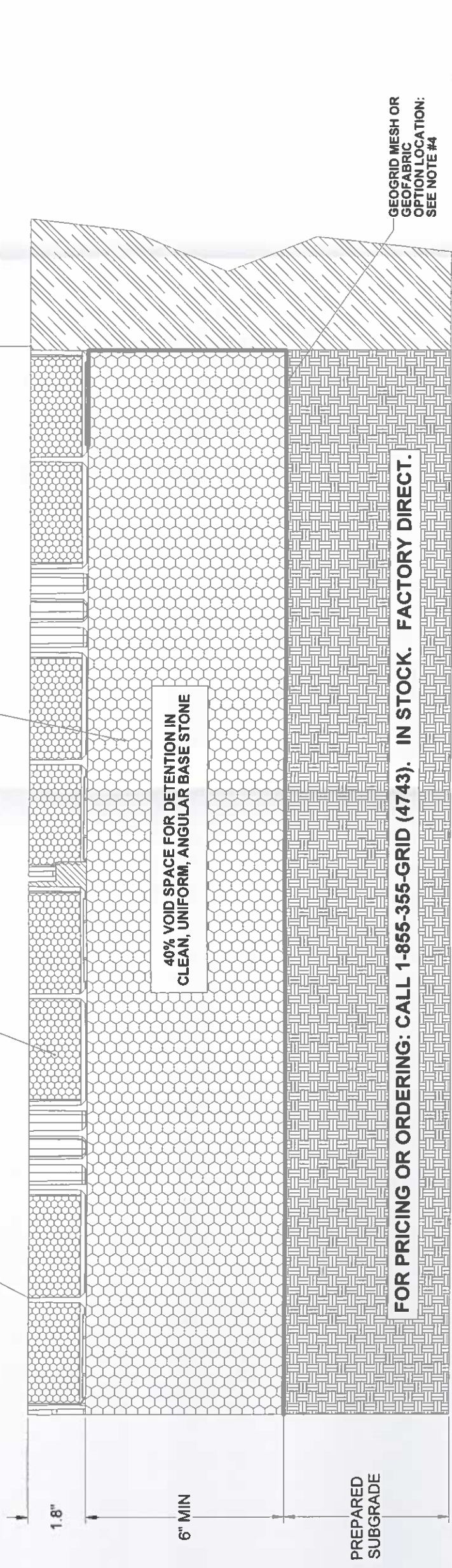
TRUEGRID BLOCK REFERENCE VIEW
 PREASSEMBLED & DELIVERED IN 4' X 4' SHEET. RECONFIGURED AS NEEDED. NO EXTRA TOOLING OR ACCESSORIES REQUIRED.

SUB-BASE
 3/4" OR 1" CLEAN, WASHED ANGULAR STONE
 FOR DETENTION CONSIDERATIONS
 I.e. #57 STONE OR CLASS II TYPE ROAD
 BASE, COMPACTED WHEN NO DETENTION
 OR HEAVY DRAINAGE NEEDED

TRUEGRID FILL MATERIAL 1.8" DEPTH
 ANY AGGREGATE 3/4" DIA. OR 5/8"

TRUEGRID PERMEABLE
 PAVING SYSTEM

ADJOINING FINISH GRADE TRUEGRID
 SURFACE FLUSH OR SLIGHTLY RECESSED



GEOGRID MESH OR
 GEOFABRIC
 OPTION LOCATION:
 SEE NOTE #4

APPLICATION:

PARKING LOT, RV PARKING,
 PARKING PADS, DRIVEWAYS

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DATE	11/02/2018
APPROVED BY	C. White
DATE	11/02/2018
APPROVED BY	J. Thibby
DATE	11/02/2018
APPROVED BY	J. Thibby

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SHEET 1 OF 1

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DATE	9/20/2017
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CHECKED	JT
DRAWN	JT

REVISION

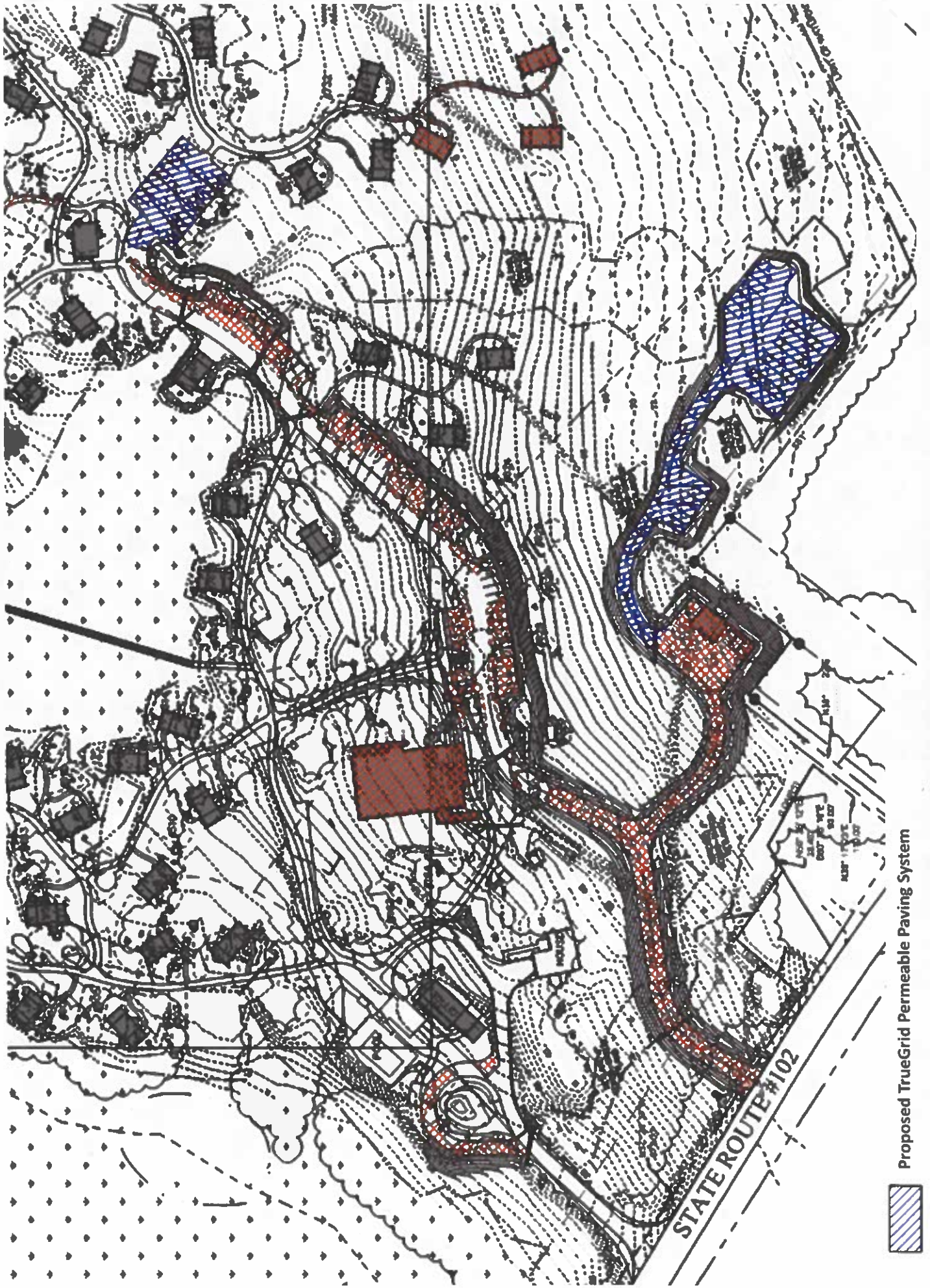
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Proposed TrueGrid Permeable Paving System



Increased Housing Opportunities Proposed Amendment

Article V Site Plan Review

125- 69 Standards for particular uses, structures or activities

BB. INCREASED HOUSING OPPORTUNITIES

Choice: May adopt more permissive language

This section, effective July 1, 2024, complies with P.L. 2021, ch. 672, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B and entitled an *Act to Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, herein referred to as the Act to Increase Housing Opportunities.

The Act to Increase Housing Opportunities provides for three types of increased housing opportunity: 1) Increased density for affordable housing development; 2) Multiple dwelling units on housing lots; and 3) Accessory dwelling units.

Article XII, Construction and Definitions, applies to this section with the exception of any terms that is specifically defined in subsection 7.

Housing Opportunity Overlays were created to comply with the Act to Increase Housing Opportunities.

(1) Housing Opportunity Overlays

- (a) There are three different Housing Opportunity Overlays, as described below and depicted on the corresponding maps **Soon to Come**.

[1] The Housing Opportunity Multi-Family Dwelling Overlay — includes the Growth Areas, lots served by public water, and lots served by public sewer.

[2] The Housing Opportunity Growth Areas Overlay — consists of the Growth Areas.

[3] The Housing Opportunity Rural Area Overlay — consists of the Rural Areas (land not included in the Growth Areas), lots not served by public water, and lots not served by public sewer.

- (b) The descriptions and depictions of the Housing Opportunity Overlays are pursuant to the voter-adopted Town of Bar Harbor Comprehensive Plan for the Growth Areas and

- the Rural Areas, and pursuant to the districts within the Growth Areas where multi-family dwellings are allowed; and to lots located within the Rural Areas not served by public water and sewer. The lots served by the Town’s summer water lines are considered as not being served by public water.
- (c) Where uncertainty exists as to the boundary lines of the Housing Opportunity Overlays, the description of the overlay shall prevail.
 - (d) The Housing Opportunity Overlays are superimposed upon the underlying zoning districts of the Official Neighborhood District Map of Bar Harbor.
 - (e) Any amendment to the Comprehensive Plan, or the adoption of a new Comprehensive Plan, with different Growth Areas would result in the automatic redelineation of the Housing Opportunity Growth Area Overlay and the Housing Opportunity Multi-Family Dwelling Overlay.
 - (f) Any amendment to the Comprehensive Plan, or the adoption of a new Comprehensive Plan, with different Rural Areas, would result in the automatic redelineation of the Housing Opportunity Rural Area Overlay.
 - (g) Any amendment to the underlying districts located within the Growth Areas where multi-family dwelling units are allowed would result in the automatic redelineation of the Housing Opportunity Multi-Family Dwelling Overlay.
 - (h) Any expansion to the Town’s water and sewer areas would result in the automatic redelineation the Housing Opportunity Growth Area Overlay, the Housing Opportunity Rural Area Overlay, and of the Housing Opportunity Multi-Family Dwelling Overlay.

(2) Increased density for affordable housing development

The purpose of this section is to provide a density bonus for affordable housing developments, as defined in section 7 and as outlined below.

(a) Density bonus eligibility requirements

- [1] To be eligible for the density bonus, the development shall:
 - [a] Be located within the Housing Opportunity Multi-Family Dwelling Overlay;
 - [b] Meet the definition of affordable housing development;
 - [c] Preserve a minimum of 51% of the units as affordable units;
 - [d] For rental housing, have occupancy of all the units designated affordable in the development restricted to households at or below 80% of the local area median income at the time of initial occupancy;
 - [e] For owned housing, have occupancy of all the units designated affordable in the development restricted to households at or below 120% of the local area median income at the time of initial occupancy;
 - [f] Comply with the minimum lot size requirements under Title 12, Chapter 423-A;

- [g] Comply with all shoreland zoning requirements;
- [h] Connect to adequate water and wastewater services;
- [i] Provide well water that is potable and acceptable for domestic use; and
- [j] Include an executed and recorded (at the Hancock County Registry of Deeds) declaration of covenants restricting the affordability of the dwelling units to households that meet the above-stated income levels; imposing a duration of affordability to no less than 30 years after the issuance of the Certificate of Occupancy; and identifying a third-party, acceptable to the Bar Harbor Town Manager, responsible to enforce the elements of the declaration.

(b) Density Bonus. The following density bonuses apply to affordable housing developments that meet density bonus eligibility requirements:

- [1] A dwelling unit density of at least 2.5 times the base density that is otherwise allowed in the underlying district. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number; and
- [2] In all zoning districts a minimum of 0.66 parking spaces per dwelling unit of an affordable housing development shall be provided with the exception of development in the Downtown Village I, Downtown Village II, and Downton Village Transitional where parking spaces are not required. If fractional results occur when calculating the number of parking spaces, the number of spaces shall be rounded up to the nearest whole number. *Choice: may round up or down*

(3) Multiple dwelling units on housing lots

The purpose of this section is to allow multiple dwelling units on lots where residential uses are allowed, dependent on 1) the location of the lot and 2) whether a dwelling unit already exists on the lot, subject to the allowances and requirements below.

Choice: May allow more units than the minimum state requirement for a, b, and c below

(a) Dwelling unit allowance based on the location of the lot

[1] Up to four dwelling units shall be allowed per lot that is located in the Housing Opportunity Growth Area Overlay if:

- [a] The lot is located in a district where residential use is allowed;
- [b] There is not an existing dwelling unit on the lot; and
- [c] The lot meets the State minimum lot size requirements under Title 12, Chapter 423-A.

[2] Up to two dwelling units per lot, located within one structure or located in two separate structures, shall be allowed in the Housing Opportunity Rural Area Overlay if:

- [a] The lot is located in a district where residential use is allowed; and
- [b] The lot meets the State minimum lot size requirements under Title 12, Chapter 423-A.

(b) Dwelling unit allowance for lots where one dwelling unit already exist

If a lot already has one existing dwelling unit, the addition of up to two additional dwelling units shall be allowed; however, if a lot already has two existing dwelling units, no additional dwelling units may be built on the lot unless allowed in the underlying district. The dwelling unit allowance is subject to the following requirements:

[a] The additional dwelling unit(s) may be located within the existing structure or attached to the existing structure; or detached from the existing structure; or one of each.

[b] The dwelling units must be connected to adequate water and wastewater.

[c] Well water must be potable and acceptable for domestic use.

[d] The number of dwelling units on a lot may be restricted through private easement or covenants provided it does not violate State or Federal rights such as equal protection.

Choice: May establish a prohibition or allowance for lots where a dwelling in existence after July 1, 2024, is torn down resulting in an empty lot.

(c) Requirements

All other requirements and standards of the Land Use Ordinance apply including dimensional, parking and shoreland zoning requirements. Also applicable are private regulations such as recorded covenants.

(4) Accessory dwelling units

The purpose of this section is to provide for one accessory dwelling unit to be located on the same lot as a single-family dwelling unit where residential uses are permitted subject to the requirements below.

(a) Requirements

[1] The accessory dwelling units must be:

[a] Within an existing dwelling unit on the lot; attached to or sharing a wall with a single-family dwelling unit; or a new structure; or

[d] Within an existing accessory building or a secondary building or a garage.

[2] A least one accessory dwelling unit is allowed on any lot where a single-family dwelling unit is the principal structure.

[3] If there is more than one accessory dwelling unit on a lot, as a result of the provisions in the multiple dwelling units on housing lots, the lot is not eligible for any additional increases in density, except as allowed in the district.

[4] An accessory dwelling unit is allowed on a non-conforming lot if the accessory dwelling unit does not further the increase in non-conformity.

[5] The accessory dwelling unit is exempt from density requirements and lot area

requirements.

[6] The accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit must meet the same dimensional requirements with the exception of density requirements.

[7] The accessory dwelling unit located in an existing accessory building or a secondary building or a garage must meet the setback requirements of the existing accessory building or secondary building.

[8] The accessory dwelling unit is not subject to parking requirements.

[9] The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies.

[10] Dwelling units must be connected to adequate water and wastewater.

[11] Well water must be potable and acceptable for domestic use.

6. The provisions of the Increased Housing Opportunity do not:

- (a) Abrogate or annul the validity or enforceability of any valid and enforceable easement or covenant that imposes greater restrictions, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
- (b) Exempt development from the other requirements of this ordinance including, but not limited to, 125-69 N Subdivision, as well as from Title 30-A, Chapter 187, subchapter 4: Subdivisions;
- (c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements/standards of this ordinance unless the requirements/standards are more stringent than established by the Department of Environmental Protection pursuant to Title 38, Chapter 3; or
- (d) Abrogate or annul the minimum lot size requirements under Title 12, Chapter 423-A.

7. Definitions

Article XII applies to this section (125-69 BB) unless the term is specifically defined below.

ACCESSORY DWELLING UNIT — A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet.

AFFORDABLE HOUSING DEVELOPMENT

- 1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the U.S. Department of Housing

and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the U.S. Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, Housing Costs include, but are not limited to:
 - a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

AREA MEDIAN INCOME — The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

ATTACHED — Connected by a shared wall to the principal structure or having physically connected finished spaces.

BASE DENSITY — The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Land Use Ordinance. This does not include density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

CENTRALLY MANAGED WATER SYSTEM — A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

COMPARABLE SEWER SYSTEM — Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

COMPREHENSIVE PLAN — A document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are

consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

DENSITY REQUIREMENTS — The maximum number of dwelling units allowed on a lot and the minimum area per family, subject to dimensional requirements.

DESIGNATED GROWTH AREA — An area that is designated in the Bar Harbor Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over 10 years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

DIMENSIONAL REQUIREMENTS — Requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

DUPLEX — A structure containing two dwelling units.

DWELLING UNIT — Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

GROWTH AREAS — Meaning an area that is designated in the Town of Bar Harbor's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten or more years is directed. Land located outside of the boundaries of Growth Areas are Rural Areas.

HOUSING LOT — See Residential Use.

EXISTING DWELLING UNIT — A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

LOT — A single parcel of developed or undeveloped land.

MULTI-FAMILY DWELLING — A structure containing three or more dwelling units.

POTABLE — Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), *Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*

PRINCIPAL STRUCTURE — A structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

QUADPLEX — A structure containing four dwelling units.

RESIDENTIAL USE — A use permitted to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. The following uses are not included under this definition: (1) Dormitories, Shared-Accommodations 1, 2, and 3, and Employee Living quarters; (2) Congregate Housing; (3) Campgrounds, campsites, hotels, motels, all beds and breakfast, all transient accommodations, or other types of lodging accommodations; and (4) dwelling units used as short-term rentals.

COVENANT — A provision in a deed, or other covenant conveying real property, restricting the use of the land.

SETBACK REQUIREMENTS — The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

SHORELAND ZONING REQUIREMENTS — The sections of the Land Use Ordinance relating to shoreland zoning as in Title 38 Chapter 3, including, but not limited to, 125-36, 125-47, 125-48, 125-49, 125-49.1, 125-49.2, 125-49.3, 125-50, and 125-68.

SINGLE-FAMILY DWELLING UNIT — A structure containing one dwelling unit.

STRUCTURE — Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

RURAL AREAS — See Growth Areas.

TRIPLEX — A structure containing three dwelling units.

ZONING ORDINANCE — A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
1.	Propose amendments to the approval procedures and paths for amendments of the Land Use Ordinance to include Planning Board, Design Review Board, and Board of Appeals. Also, Section 125-11 needs a complete overhaul.	High			
2.	Create a section in the LUO that is solely focus on shoreland zoning (instead of being spread throughout the ordinance)	In progress 2025 ballot			
3.	Implement, as applicable, LD 2003/P.L. 2021, Ch. 672, <i>An Act to Implement The Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.</i>	June 2024 Ballot			
4.	Design Review Board (125-111 and 113) – Pull language out of this section of the Land Use Ordinance and create Rule and Procedures and add a DRB section in Ch. 31 Boards and Committees.	Low			

Underway

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
5.	Application and review procedures (125-113) especially B. (1), to provide more than 7 days between the application deadline and the Design Review Board meeting.	June 2024 Ballot			
6.	Create an inclusionary housing program/zoning building off of LD2003 Increased Housing Opportunities. A program where developers set aside a certain percentage of the dwelling units within a new development for low- to moderate-income households, as well as for workforce-income households.	High		Housing Planner	
7.	Amend the Planned Unit Development provisions in the Land Use Ordinance with a focus on cluster housing and conservation subdivision (125-69 M and S).	Post Comp Plan			
8.	Review the Affordable Housing provisions in the Land Use Ordinance (126-69 R).	High		Housing Planner	

Underway

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
9.	Amend the definition of multi-family dwelling I and II (125-109).	High			
10.	Delete the requirements of double setbacks between buildings (125-67B3). <i>Done</i>				
11.	Consider the merger of Downtown Village I and II zoning districts (125-21 & 21.1) while maintaining character.	Post Comp Plan			
12.	Consider expanding the number of districts where Employee Living Quarters (ELQ) and Shared Accommodations (SA) are allowed (Article III).	June 2024 Ballot			
13.	Consolidate transient uses which presently include 16 different definitions (eight types of Transient Accommodation (TA), five types of Bed & Breakfast, hotels, motels, and cabins) (Article 3). Add parking standards for all Transient Accommodations (125-67B). <i>Underway</i>	June 2024 Ballot			

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
14.	Consider expanding the number of districts where Employee Living Quarters (ELQ) and Shared Accommodations (SA) are allowed (Article III).	June 2024 Ballot			
15.	Amend the provisions for the recording of subdivision plans (125-8B) at the Hancock County Registry of Deeds to be consistent with the County's requirements.	Low			
16.	Make the measurement of setback distances consistent (125-6782) throughout all districts (excludes shoreland districts).	High			
17.	Propose the deletion of the floor area ratio requirements (125-22) in the Village Residential District.				
18.	Review parking standards for restaurants (125-67D).	Low			
19.	Clarify setbacks requirements for driveways and roads (125-67T).	High			

Underway

Done

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
20.	Update cell tower standards (125-69).	Low			
21.	Review solar provisions (districts, decommissioning plan and revegetation).	Low			
22.	Sight distance for driveway and driveway lanes - 125-67 E. (20). [03/10/2023]	Medium			
23.	Signs - 125-67 BB [03/10/2023]	Low			
24.	Consider having all signs within the Design Review Overlay District as Code Enforcement Officer permit/permit-by-right, with the exception of the ones that are internally illuminated.	June 2024 Ballot			
25.	For new Transient Accommodation (TA) to include TA-1, TA-3, TA-4, and TA-6, and new Shared Accommodation (SA) SA-1, SA-2, and SA-3, and new Bed and Breakfast (B&B) B&B-1, B&B-2, B&B-3, B&B-4, B&B-5 and B&B-6 uses that are outside of the Design Review Overlay District either develop review standards or remove the review from the purview of	Medium			

Underway

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
	the Design Review Board. Consider excluding the existing TAs out of the purview of the Design Review Board where no exterior changes are proposed.				
26.	Revise the design review standards that are being applied for the review of new buildings. Work with MHPC on how best to match old and new architecture.	Medium			
27.	Consider adding all properties on the National Register of Historic Places to Appendix A.	June 2024 Ballot			
28.	Review and refine all performance standards to assess if they are still up-to-date and meaningful, beginning with ones that are ignored, obsolete, unenforceable, and/or that no one knows the reason why they are in the Land Use ordinance such as groundwater, nitrate calculations (126-67K), etc.	Post Comp Plan			

Underway

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
29.	Review the dimensional requirements, district boundaries, and allowed uses, and level of review, and revise as needed.	High Part of this would be posted to the Comp Plan			
30.	Work with the Sustainability Coordinator to draft building performance standards to address energy performance and carbon emissions, while keeping in the forefront the need to maintain an affordable cost of entry.	Post Comp Plan			
29.	DRB annual update, streamline process and reword the language so the requirement is clear [03/10/2023]	Low			
30.	Review road and driveway standards	Medium			
31.	In Article VI, Subdivision Review, add language requiring the mailing of receipt of Sketch Plan application notice to match what we do. [03/10/2023]	Low			

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
32.	Reconcile the order of the PB agenda items between so that the Rules of Procedure and Ch.31 matches. [04/06/2023]	Low			
33.	Art. V Site Plan review, 125-61 E. (1) and (2), regarding finding of completeness for major site plan	High			
34.	BOA - Clarify the number of copies needed — Rules of Procedure states 10 copies, 125-103 C Appellate review requires 12 copies but Evidentiary appeals requires 10, and 125-55 C non-conforming structures has no specific requirements. [08/24/2023]	High			
35.	Provide a process (copies, notice to abutters, comment period) for 125-55 C request to the BOA for the relocation of non-conforming structure. [08/24/2023]	Medium			
36.	BOA — consider combining 125-54 Nonconforming uses of land and structures and 125-55 Nonconforming structures. [09-20-2023]	Medium			

Land Use Amendments Priority List

	Issues	Staff Priority	Board Priority	Who is involved	Comments
37.	BOA — 125-52 delete the word “grandfather.” [09-20-2023]	High			
38.	DRB — 125-114 D. Review the language pertaining to tents. [09-20-2023]	Medium			
39.	125-67 E.(20) — add sight distances for 30 and 35 mph. [09-20-2023]	High			
40.	125-69 N. (8) clarify what land is no suitable for development [09-26-2023]	Medium			



Town of Bar Harbor
93 Cottage Street · Bar Harbor · Maine · 04609

Memorandum

To: Planning Board
CC: Planning Director Michele Gagnon, CEO Angela Chamberlain
From: Staff Planner Cali Martinez
RE.: Upcoming potential land use amendments
Date: September 29, 2023

As you all know, the Planning and Code staff are working on a few land use ordinance amendments for the June and November 2024 ballots.

I have led several conversations with the board about the ELQ/SA amendment, but I have not discussed the potential amendment that I'm working on for the Design Review Board. I included the most recent draft warrant language in the package for your review. However, due to the September 28th listening sessions, we, the staff, may decide to make some significant changes to this draft. Michele, Angie, and I will summarize some of the feedback from the September 28th listening sessions and what may change to the existing draft amendment language.

Regarding the ELQ/SA amendment, I provided an updated survey summary report in the October 4th package. I added a "method" section to the report which was not included in the previous version I emailed you all on September 19th. At the meeting, I will briefly go over the report since the findings have not changed since the September Planning Board meeting. I will also discuss the dates of the October listening sessions and how I plan on structuring the presentation and discussion. I welcome the board to provide any additional ideas on how to best present the concerns of parking and building size for the listening session presentation.



TOWN OF BAR HARBOR
Planning and Code Enforcement
93 Cottage Street
Bar Harbor, ME 04609-1400

SUMMARY REPORT

Workforce Housing Survey for Rural Employers

September 28, 2023

PURPOSE:

The purpose of the survey was to collect preliminary data within a small pool of rural businesses to help inform the discussions during the October listening sessions with businesses and the public.

METHOD:

The survey was created and posted to the Bar Harbor's Polco page on August 9, 2023. The survey closed at 11:59 PM on September 11, 2023.

The Planning Department notified 30 rural businesses about the survey via email. These 30 businesses are located in zoning districts where the Planning Department is recommending Employee Living Quarters where it is currently not allowed. The 30 businesses were emailed two reminders over the period of time the survey was open. The survey was also posted to the town's website and Facebook pages. The Chamber of Commerce and the Bar Harbor Story posted several reminders about the survey. Lastly, the Mound Desert Islander wrote a short article about the survey in their August 30th edition.

RESPONDENT INFORMATION:

- There were **13** survey responses in total.
- **85% (11)** of respondents considered themselves to be rural employers.
- Most of the respondents were the **owner or the manager** of the business.
- **38% (5)**¹ of the respondents were businesses that categorized themselves as a **commercial farm, garden, nursery, or greenhouse**.
- **23% (3)** of the respondents were businesses that categorized themselves as a **restaurant or retail business**.
- **15% (2)** of the respondents were businesses that categorized themselves as a **campground**.

¹ This percentage is actually closer to 50% since Peggy Rockefeller Farm categorized themselves as a "nonprofit or other type of organization."



QUESTIONS & RESPONSES:

Q 5. Currently, how many employees are housed on site?

- 54% (7) responded "1-8 employees."
- 31% (4) responded "None."

Q 6. How many employees would you like to house on site if you were to build workforce housing?

- 69% (9) responded 1-8 employees.
- One campground would like to house 21 to 32 employees on site.
- One nonrural business would like to house over 32 employees on site.

Q 7. What mode of transportation do the employees use most of the time?

- 85% (11) responded "personal car."

Q 8. Would you like to collaborate with other businesses to co-own employee housing to help house your workers?

- 38% (5) responded "Yes."
- 67% (8) responded "No" (23%) or "Unsure" (38%).

Q 9. If you responded "no" or "unsure" to the above question, can you explain why?

- Summarized:
 - One business is too small to need it.
 - One respondent is worried this type of employee housing could create some exploitative scenarios.
 - One respondent is unsure if they want on-site employee housing.
 - One respondent already provides housing.
 - One respondent would consider it if it was with the right people and place.
 - One respondent only wants housing for their employees.
 - One respondent is worried about an unhealthy living environment.
 - One business doesn't have the money.

Q 10. Does your business or organization struggle with maximum lot coverage? Choose the option that most closely represents your situation.

- 46% (6) responded that they are "either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees."
- 31% (4) responded that the "maximum lot coverage is not a barrier to develop housing for our employees."



MAIN TAKEAWAYS

- **About half of the respondents already house some workers on site.**
- **Most rural business respondents would like to house no more than eight workers on-site.**
- **The majority of the respondents' employees use a personal car to get to and from work.**
- **The majority of the respondents are not fully supportive of the idea to collaborate with other businesses to co-own employee housing.**

1 - Is your business or organization located outside a village center (i.e., Town Hill center, Hulls Cove center, or downtown Bar Harbor)?	2 - Please write your role or position within the business or organization (e.g., owner, manager, CEO, owner's representative, or employee)?	3 - What is the name of your business or organization?	4 - Which option below best describes your business or organization? Please choose one option.	5 - Currently, how many employees are housed on site?	6 - How many employees would you like to house on site if you were to build workforce housing?	7 - What mode of transportation do the employees use most of the time?	8 - Would you like to collaborate with other businesses to co-own employee housing to help house your workers?	9 - If you responded "no" or "unsure" to the above question, can you explain why?	10 - Does your business or organization struggle with maximum lot coverage? Choose the option that most closely represents your situation.	11 - If you want to stay informed about the potential Land Use Ordinance amendment, please write your email below.
Yes	Farm manager	Triple Chick Farm	Commercial farm, garden, nursery, or greenhouse	None	1 to 8 employees	Personal car	Unsure	We want it to be as healthy a living environment as possible, so we would just really want to make sure of that for employees	No. We have plenty of land to develop. The maximum lot coverage is NOT a barrier to develop housing for our employees.	Yes
Yes	owner	Peace Farm	Commercial farm, garden, nursery, or greenhouse	1 to 8 employees	Unsure	Personal car	No	many of my farm workers come from out of the MDI. but I have difficulties getting workers from the MDI since not enough workers can afford to live on the island. However, I don't want to have seasonal workers. I want regular workers for several seasons. I don't want to get involved in co-own housing since I don't have any \$ to do so at this point.	Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	
Yes	Owner/manager	Bar Harbor Farm	Commercial farm, garden, nursery, or greenhouse	1 to 8 employees	1 to 8 employees	Personal car	Yes		No. We have plenty of land to develop. The maximum lot coverage is NOT a barrier to develop housing for our employees.	glenonf@gmail.com
Yes	Assistant Manager	Bar Harbor Farm	Commercial farm, garden, nursery, or greenhouse	1 to 8 employees	1 to 8 employees	Personal car	Yes		Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	
Yes	Owner and Operator	Bar Harbor Oyster Company	Commercial farm, garden, nursery, or greenhouse	None	1 to 8 employees	Personal car	Unsure	The location of the housing and the other people involved would matter to me. The right people and place might be considered.	This question does not apply to my business or organization.	
Yes	Farm Manger	Peggy Rockefeller Farm	Nonprofit or other type of organization	1 to 8 employees	1 to 8 employees	Personal car	Yes		Unsure	anugent@coa.edu
Yes	Regional Director	Terramor Outdoor Resort	Campground	9 to 20 employees	21 to 32 employees	Company provided vehicle or shuttle	No	We currently have housing.	Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	jmccullough@koa.net

Yes	Narrator Lulu lobster tours. Tours start in Bar Harbor	Lulu lobster tours is run by Wild Acadia (Trenton,ME)	Campground	1 to 8 employees	1 to 8 employees	Personal car	Unsure	I'm employee not making business decisions or privy to housing needs. Wild Acadia does have campgrounds available to rent.	No. We have plenty of land to develop. The maximum lot coverage is NOT a barrier to develop housing for our employees.	
No	owner	FishMaine Restaurant Group	Restaurant or retail	21 to 32 employees	over 32 employees	Other	Yes		This question does not apply to my business or organization.	
Yes	Owner/LLC Member	Baryonyx Knife Company, LLC	Restaurant or retail	1 to 8 employees	Unsure	Personal car	No	We do not currently have a need for it, as our business is too small to require it. While we are not against the idea of employee dormitories or employee housing on-site, we believe that we should avoid exploitative scenarios around employee housing such that housing of this kind should be for cooperatives or other similar structures in which employees own a stake in the business or have collective bargaining power and rights.	Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	sales@baryonyxknife.com
Yes	Owner	Mothers kitchen	Restaurant or retail	1 to 8 employees	1 to 8 employees	Personal car	Yes		Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	Yes
No	President	Acadia Building Company	Nonprofit or other type of organization	None	1 to 8 employees	Personal car	Unsure	It would have to be a different industry. My employee housing is for MY employees, not other GCs	Yes. We are either at or are close to our maximum lot coverage. The maximum lot coverage is a barrier to develop housing for our employees.	dylan@acadiabuilding.com
Yes	owner	Eden Village Motel & Cottages	Lodging	None	1 to 8 employees	Personal car	Unsure	Unsure I personally want an atmosphere merge of guests with employees being housed on my same location. BUT my property is for sale and may be later developed further so this would be an option a future owner may desire.	No. We have plenty of land to develop. The maximum lot coverage is NOT a barrier to develop housing for our employees.	edenvillagebh@gmail.com

Draft Order

of the Bar Harbor Town Council

for the June 11, 2024 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 – Design Review** – Shall an ordinance, dated **XXXXX**, and entitled “**An amendment to modify the design review process and standards**” be enacted?

SUMMARY

This amendment will:

- Add some properties listed on the National Register of Historic Places to the purview of the Design Review Board by adding them to Appendix A.
- Add and amend definitions related to design review and signage review.
- Simplify the review process for signs.
- Adjust the Design Review Overlay district boundaries.
- Minimize redundancy by removing Appendix B – Locally Significant Properties in Design Review Overlay District and all reference to it.

GENERAL EXPLANATION

This amendment includes the following changes to Article III – Land Use Activities and Standards, Article V – Site Plan Review, Article XII – Construction and Definitions, Article XIII – Design Review, Appendix A – Historic Properties in Design Review Overlay District, & Appendix B – Locally Significant Properties in Design Review Overlay District:

- Update the “Present Name” column for five properties listed on Appendix A – Historic Properties in Design Review Overlay District.
- Add 37 buildings, and one structure to Appendix A because they are on the National Register of Historic Places. According to §125-112 A.(1)(a)[6], buildings and structures on the National Register of Historic Places are considered “historic” and therefore can be

added to Appendix A. This change means that all of the Bar Harbor properties on the National Register of Historic Places would be included in Appendix A.

- Clarify which properties are within a National Register of Historic Place district by creating six endnotes:
 - 1. Harbor Lane-Eden Street Historic District
 - 2. West Street Historic District
 - 3. The Farm House
 - 4. Garland Farm
 - 5. Stone Barn Farm
 - 6. Cover Farm
- Delete the “National Register” column in Appendix A to eliminate redundancy.
- Add five definitions to Article XII – Construction and Definitions to explain the difference between buildings and structures considered “contributing” or “noncontributing.” “Contributing” buildings and structures are considered ‘historic.’
 1. **District, National Register of Historic Places (Design Review)**
 - Purpose: Clarify the difference between a “Historic District,” “District,” and a “National Register of Historic Places (NRHP) district” to clearly specify the difference in the Land Use Ordinance.
 2. **Contributing, building (Design Review)**
 - Purpose: NRHP districts categorizes all the buildings, structures, ect. within its boundary as “contributing” or “noncontributing.” The term “contributing” refers to buildings and structures that align with the NRHP district’s specified historical significance. Only buildings and structures designated as “contributing” by the National Register of Historic Places would be added to Appendix A.
 3. **Noncontributing, building (Design Review)**
 - Purpose: The term “noncontributing” refers to buildings and structures that do not align with the NRHP districts’ specified historical significance.
 4. **Contributing, structure (Design Review)**
 5. **Noncontributing, structure (Design Review)**
- Alter the boundaries of the Design Review Overlay District described in Article XIII – Design Review to include specific properties in the following areas:
 - **Bar Harbor Village Area.**
 - **Town Hill Village Area.**
 - **Shoreland Maritime Activity Area.**
 - **Hulls Cove Village Area.**
- The Design Review Overlay District described in Article XIII – Design Review will also include properties and signs listed in Appendix A of this Chapter along with all internally illuminated signs.
- Transfer signage review to the Code Enforcement Officer (CEO) with the exception of internally illuminated signs and ones listed in Appendix A.

- Remove language from Article III – Land Use Activities and Standards and Article V – Site Plan Review that mentions Appendix B – Locally Significant Properties in Design Review Overlay District or a requirement of Design Review Board approval for signage.

An amendment to the Historic Properties & Signs

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 III Land Use Activities and Standards

§ 125-19. Mount Desert Street Corridor District.

F. ~~Other requirements.~~

- ~~(1) Design Review Board approval shall be required for all changes to existing or new facades if the subject property is listed in Appendix A, or B of this chapter. [Also see parking requirements found in § 125-67B(4).]~~
- ~~(2) Design Review Board approval shall be required for all signage as stipulated in § 125-67BB.~~

§ 125-18. Village Historic.

F. ~~Other requirements.~~

- ~~(1) All new construction and/or changes to facades and signs shall require Design Review Board approval if visible from a public way. Single family homes are exempt from this provision unless otherwise included in Appendix A or B of this chapter.~~

§ 125-21. Downtown Village I.

E. Other requirements.

~~(1) — All changes to facades and signs require Design Review Board approval.~~

§ 125-21.2. Downtown Village Transitional.

E. Other requirements.

~~(1) — All changes to facades and signs require Design Review Board approval.~~

Article V Site Plan Review

§ 125-67. General review standards.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In

addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(6) Signs subject to specific standards, ~~the review by the Design Review Board for a certificate of appropriateness~~. All signs listed below are required to meet the following standards ~~receive a certificate of appropriateness from the Design Review Board~~ prior to receiving a building permit, ~~if they are located within the identified districts or are associated with a conditionally permitted use~~. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit, ~~as well as the certificate of appropriateness~~.

[1] ~~All signs listed below are required to meet the specific standards in section § 125-67 BB (6) receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.~~

~~{a} Village Historie.~~

~~{b} Bar Harbor Gateway.~~

~~{c} (Reserved)~~

~~{d} Downtown Village I and II Districts.~~

~~{e} Educational Institutional.~~

~~{f} Lots with road frontage on Routes 102 and 3.~~

~~{g} Marine Research.~~

~~{h} Scientific Research.~~

~~{i} Shoreland General Development I and II.~~

~~{j} Town Hill Business.~~

~~{k} Town Hill Residential Corridor.~~

~~[2] Signs in other districts shall receive a building permit from the Code Enforcement Office prior to erecting the sign.~~

~~[3] All signs shall be reviewed to determine compliance with the purpose and intent of this subsection.~~

- (b) Wall signs, window signs, door signs, freestanding signs and roof signs.
- (c) Indoor neon signs visible from the street. Allowed neon signs shall be for the purpose of displaying whether the business is open or the general type of merchandise available for purchase. Neon signs are part of the calculation for allowed signage and shall not exceed two square feet in total.
- (d) Banners and signs for Chamber of Commerce events, drives and large gatherings, ~~Merchant's Flag Program~~, sales flyers totaling more than two square feet per tenant and other advertisements not otherwise regulated. The ~~Design Review Board Code Enforcement Officer~~ shall review the location, color, and size, compatibility of design, quantity, and length of time for display. Such displays shall not visually impede upon existing commercial signs, nor block public views in public parks.
- (e) Off-premises signs. Off-premises signs, excluding official business directional signs as defined in 23 M.R.S.A. § 1903, may be constructed, erected or maintained only in accordance with the following:

[1] Location of establishment.

[a] Any commercial establishment having frontage on the Old Bar Harbor Road, Sand Point Road, Norway Drive, or the Hadley Point Road shall be permitted to have up to four off-premises signs.

[b] Any commercial establishment not having frontage which is contiguous to the main entrance on Maine State Route 102 or 233 or on Eden, Mount Desert, Main, Cottage, or West Street shall be permitted to have up to two off-premises signs.

[c] Any commercial establishment having contiguous frontage on Maine State Route 102 or 233 or on Eden, Mount Desert, Main, Cottage or West Street shall not have off premises signs.

[2] Off-premises signs shall be directional only in nature.

[3] The maximum area of any off-premises sign shall be limited dependent upon its location according to the following:

Location of Off-Premises Sign	Permitted Area (square feet)
In the area bounded by and including the Atlantic Ocean, Eden Street and Mount Desert Street and the imaginary extension thereof shoreward	2
On roads with speed limits less than 30 miles per hour	4
On roads with speed limits of 30 to 49 miles per hour	8
On roads with speed limits greater than 49 miles per hour	12

- (f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein. In addition to Table 2.45 the signage plan shall show:
 - [1] Allowable square footage for each unit;
 - [2] Any restrictions on signage as may be imposed by the landowner.
- (g) Sandwich signs or boards.
- (h) Taxi or tour stand signs.
- (i) Activity/program signboard: chalkboard, tack board, grease board or wood panel.
- (j) Other portable signs not otherwise listed unless specifically prohibited.
- (k) Campus signage. In the Education Institute, Marine Research and Scientific Research Districts, a campus sign plan shall be submitted to the ~~Design Review Board~~ Code Enforcement Officer. This plan shall show the entire campus site plan, outlining the location and design specification for entry point signs, internal building signs, directional signs and any other pertinent signage. The ~~Board's~~ review will be to determine adequate locations, ease and safety for finding parking and buildings, and cohesiveness of the overall theme.
- (l) Awning or canopy:
 - [1] Lettering or graphics no more than 12 inches in height permitted on the valance;
 - [2] Lettering and graphics on an awning or canopy or attached valance are considered signage and must comply with the requirements of this chapter.
 - [3] There shall be eight feet of clearance from the bottom of the valance to the ground.

- (m) Kiosks for the purpose of visitor way-finding and general information sponsored and maintained by either the Town of Bar Harbor or a private nonprofit agency.
- (n) Internally illuminated signs: opaque background only and allowable only on Routes 102 and Route 3 outside of the Downtown Village Districts and historic districts.
- (o) ~~Exemptions. The following activities are not subject to design review:~~
 - ~~[1] Replacement of one conforming non-internally illuminated sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code compliant manner, except that it may not be relocated or enlarged. [Amended 11-2-2021]~~
 - ~~[2] A tenant occupying a space with an Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.~~
 - ~~[3] Installation of one twenty four inch by thirty six inch sandwich board sign, provided that it is not located in a public way and is taken inside at the close of business each night.~~
 - ~~[4] Installation of lighting for signage, provided that such lighting complies with § 125-67Z.~~

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

CONTRIBUTING, BUILDING (DESIGN REVIEW)

A classification applied to a site, structure or object within a National Register of Historic Places district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archeological significance as embodied in the criteria for designating a National Register of Historic Places district, but without being itself a landmark

CONTRIBUTING, STRUCTURE (DESIGN REVIEW)

See “Contributing, Building.”

DISTRICT, NATIONAL REGISTER OF HISTORIC PLACES (DESIGN REVIEW)

A geographically definable area, according to the National Register of Historic Places records, possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of Article XIII as appropriate for historic preservation. Such districts may also comprise individual elements separated geographically, but linked by historical association.

NONCONTRIBUTING, BUILDING (DESIGN REVIEW)

A classification applied to a site, structure, object, or portion thereof, within a National Register of Historic Places district signifying that 1) it does not contribute generally to the qualities that give the district cultural, historic, architectural or archaeological significance as embodied in the criteria for the National Register of Historic Places; 2) was built within 50 years of the date of district designation unless otherwise designated in Appendix A or 3) where the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the site, structure or object has been irretrievably lost.

NONCONTRIBUTING, STRUCTURE (DESIGN REVIEW)

See “Noncontributing, Building.”

MULTITENANT SIGNAGE PLAN

A plan approved by a building the property owner which outlines design guidelines for multitenant signage. Such a plan may include, but is not limited to the following elements: size limitations and locations of signage. The multitenant signage plan shall be submitted to reviewed by the Code Enforcement Officer. Design Review Board, and upon approval by the Board the building owner shall be issued a certificate of appropriateness certifying the approval of the plan.

Article XIII Design Review

§ 125-110 Purpose of design review.

The purpose of design review is to provide for the regulation of building and site design within designated areas of the Town of Bar Harbor as proposed in the Town's adopted Comprehensive Plan in order to promote the following goals:

- A. The education, economics, and the general welfare of the Town, its residents, and guests;
- B. The protection and preservation of buildings, places, and things of aesthetic, historic, cultural, or of architectural value;
- C. The continued maintenance and improvement of existing structures in a timely and responsible manner;
- D. The fostering of a positive and identifiable image to encourage continued private and public interest, investment, and development within the designated area;
- E. The construction and maintenance of aesthetically pleasing structures using materials compatible with those materials and buildings that exist in their immediate area; and
- F. The ability of the Design Review Board to carry out its task in a timely and fair manner with the best interests of the Town, its residents, property owners, and consumers in mind using the regulations, definitions, and standards of this article.

§ 125-111 Design Review Board.

- A. **Creation and composition.** There is hereby created a Design Review Board which shall consist of seven members appointed by the Town Council, who shall be residents of the Town of Bar Harbor, interested in the preservation and development of the Community.

- B. ~~Reserved. Transition. Upon adoption of this article, the former Board of Review shall become the Design Review Board, the members of the Board of Review shall become the members of the Design Review Board with the same terms of service, the Design Review Board shall assume all of the functions previously performed by the Board of Review, and the two additional members shall be appointed by the Town Council. The Design Review Board may be referred to as the "Review Board" or "Board."~~
- C. Jurisdiction. The Review Board's jurisdiction shall be limited to the Design Review Overlay District identified in § 125-112A. The Review Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or preservation that affect the visual quality of the district. In Downtown-Bar Harbor Village Area Districts, this review includes views from public streets and parking lots, as well as the view from the waterfront. In the Town Hill Village Area Business District, all sides of the building and the overall property development are subject to review. The Board shall not consider the interior floor plan layout of buildings as part of its review. [Amended 11-3-2009; 6-8-2010]
- D. Term of office. The term of office shall be for three years.
- E. Members serve without pay. Members of the Board shall serve without pay but shall be reimbursed for any and all authorized expenses incurred personally in carrying out the purposes of this article.
- F. Organization. The Board shall elect from its membership a Chair and a Vice Chair who shall serve for terms of one year and who shall be eligible for re-election. The Chair shall preside over the Board and have the right to vote. In an absence or disability of the Chair, the Vice Chair shall perform the duties of the Chair.
- G. Staff assistance. ~~The Code Enforcement Officer and Town Planner~~ Planning Department staff shall provide such technical, administrative, and clerical assistance as ~~required by~~ to the Board, subject to the approval of the Town Manager.
- H. Professional assistance. The Board, subject to the Town Council's consent, shall have the right to retain and pay for the services and expenses of professional help needed in carrying out the purpose of this article. If the review of an application requires outside professional assistance, the Board may require the payment of a technical assistance fee in accordance with § 125-65D to defray the Town's costs in obtaining such assistance.
- I. Meetings. The Board shall hold regular meetings, at least monthly, to review applications for certificates of appropriateness. All meetings of the Board shall be recorded.

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts. **[Amended 11-4-2003; 11-2-2004; 6-9-2009; 11-3-2009]**

- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
- (2) Boundaries of the Design Review Overlay District. The district as depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine" shall include the following: ~~neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed and breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA 1, TA 3, TA 4, and TA 6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.~~ **[Amended 6-8-2010; 6-14-2016; 7-14-2020]**

(a) Bar Harbor Village Area.

[1] All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main streets and all of Mount Desert Street.

[2] All properties with road frontage on West Street from Eden Street to the pier.

[3] All properties with road frontage on Bridge Street from West Street to the shore.

[4] All properties with road frontage on Cottage Street from Eden Street to Main Street.

[5] All properties with road frontage on Main Street from the pier to Cromwell Harbor Road.

[6] All properties with road frontage on Rodick Street and Rodick Place.

[7] All properties with road frontage on Firefly Lane.

[8] All properties with road frontage on The Field.

[9] All properties abutting with road frontage on the Shore Path from the pier to Wayman Lane.

(b) Town Hill Village Area.

[1] All properties with road frontage on State Highway 102 from the southern end of Right of Way Road to Pats Way.

(c) Shoreland Maritime Activity Area.

(d) Hulls Cove Village Area.

[1] All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.

(e) All properties and signs listed in Appendix A of this Chapter.

- (3) ~~The district also includes the districts and area included in the Sign Ordinance, § 125-67BB.~~ The district also includes the following uses regardless of their geographic location and therefore these are not depicted on the map titled “Design Review Overlay District of the Town of Bar Harbor, Maine.”

(a) All internally illuminated signs and all signs listed in Appendix A.

(b) All bed-and-breakfast uses.

(c) All shared accommodation uses.

- B. Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Design Review Board: **[Amended 11-4-2003; 5-3-2004; 11-2-2004]**
- (1) The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A ~~and/or B or is a bed and breakfast I, II or IV TA 1, 3, 4 or 6, respectively.~~ **[Amended 6-8-2010]**
 - (2) The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A ~~and/or B or is a bed-and-breakfast use I, II or IV TA 1, 3, 4 or 6, respectively.~~ **[Amended 6-8-2010]**
 - (3) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A

and/or ~~B~~ or is a bed-and-breakfast use, ~~TA 1, 3, 4 or 6~~, respectively, including additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials. **[Amended 6-8-2010]**

- (4) Any new construction of a principal or accessory building or structure, except for lots with the principal use of a single- or two-family dwelling;
 - (5) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing nonhistoric building or structure, except for lots with the principal use of a single- or two-family dwelling, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color, if the change is subject to view from a public street;
 - (6) Any change in existing fences and/or retaining, ornamental or other freestanding walls or the construction of new fences and/or freestanding walls on a parcel, except for lots with the principal use of a single or two-family dwelling, if the wall or fence is located along a public street right-of-way;
 - (7) The erection of a new internally illuminated sign, the relocation of an existing internally illuminated sign, approval of a multitenant signage plan and its specific content as per § 125-67BB(3)(c), or the modification of an existing internally illuminated sign which changes the size, color, lighting, or graphic design of the sign, except for lots with the principal use of a single or two-family dwelling.
 - (8) The seasonal closure of a business involving the placement of window coverings or other activities which alter the exterior appearance of the property and can be seen from a public street. (Note: The certificate of appropriateness obtained initially shall remain in effect as long as the closure treatment remains unchanged.)
- C. Activities not subject to design review. The following activities are not subject to design review:
- (1) The construction of a new principal or accessory building or structure or the modification of an existing nonhistoric building or structure used entirely for single- or two-family dwelling occupancy. **[Amended 5-3-2004]**
 - (2) The erection or modification of signs, freestanding walls, fences, landscaping or similar activities at a property used entirely for single- or two-family dwelling occupancy. **[Amended 5-3-2004]**
 - (3) Temporary or emergency activities intended to protect a property from damage as a result of a natural event, such as a storm, or to secure a property from further damage following a storm, fire, or similar event. All permanent improvements or repairs shall

be subject to design review.

- (4) Routine maintenance or repair where no change is made to the exterior appearance of the structure or grounds. The following list illustrates the types of work that a property owner may undertake without a certificate of appropriateness:
 - (a) Repainting using the existing colors.
 - (b) Replacement of window glass.
 - (c) Caulking and weatherstripping.
 - (d) Installation or removal of window air conditioners.
 - (e) Installation or changes of mechanical equipment, such as heating and air-conditioning units, television antennas/satellite dishes, and garbage containers, as long as it is completely screened from view by landscaping or fencing.
 - (f) Repair of roofing materials as long as the material is of a similar color, texture and general appearance.
 - (g) Replacement of missing or deteriorated siding, gutters, trim, porch flooring, steps, etc., using replacement materials that match the original and that do not damage or eliminate architectural features.
 - (h) Repair or replacement of masonry foundations where the original foundation material is retained or where any new material matches the original in color, material, and appearance [including the installation of metal foundation vents (side and rear only) and the replacement of access doors which cannot be seen from the street].
 - (i) Repointing and other masonry repairs where the color and composition of the mortar, brick or stone match the original.
 - (j) Replacement of storm windows or doors provided that the trim color is white or compliments the building's trim color.
 - (k) Installing house numbers and mailboxes.
- (5) Minor renovations that do not include any changes in the exterior appearance of the building, such as:
 - (a) Replacing old windows with new windows of the same size and material.

- (b) Replacing old siding with new siding of the same material and color.
- (c) Replacing old roofing with new roofing with the same color and style.
- (6) Renovation or new construction which is limited to the following types of improvements:
 - (a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.
 - (b) (Reserved)
 - (c) (Reserved)
 - (d) (Reserved)
 - (e) Installation of roof-mounted solar collection panels and appurtenant equipment.
 - (f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.
 - (g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.
- (7) The change of use of an existing building with no changes to the exterior.

D. Classification of buildings, signs, and structures. Within the district, all buildings and structures shall be divided into two classes, historic and nonhistoric. **[Amended 11-4-2003]**

- (1) Historic buildings and structures. For the purposes of this article, buildings and structures possessing identified historic or architectural merit of a degree warranting their preservation shall be classified as historic.
 - (a) Those buildings or structures which meet one or more of the following criteria shall be considered as historic, noting that they may not all meet state or federal criteria for official designation as historic properties:

[1] Buildings or structures at which events occur or have occurred that

contribute to, are identified with, or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the nation. These include sites and buildings at which the public may gain insight or see examples of particular items or patterns relevant to North American heritage.

- [2] Buildings or structures importantly associated with historical personages.
- [3] Buildings or structures importantly associated with historic examples of a great idea or ideal.
- [4] Buildings or structures or structural remains embodying examples of architectural types of specimens valuable for study of a period, style, or method of building construction, of community organization and living, or a single site representing the work of a master builder, designer, architect, or landscape architect.
- [5] Buildings or structures contributing to the visual continuity and aesthetic value of the district.
- [6] Buildings or structures currently on, or eligible for, the National Register of Historic Places or listing as a National Historic Landmark.

[a] Buildings and structures deemed noncontributing according to the National Register of Historic Places shall be classified as nonhistoric.

- (b) A list of the properties meeting one or more of these criteria is contained in Appendixes A and B. The Board shall annually review both the criteria and the properties included on the list and shall make recommendations to the Town Meeting for modifications to the criteria and additions to, or deletions from, the list as it deems necessary to accomplish the objectives of these design review provisions.
 - (c) The owner of any property within the district may submit a written request to the Board asking for a review of the historic or architectural merit of his/her property and consideration of its inclusion on or deletion from the list. In such cases, the Board shall review the property for conformance with the criteria and recommend adding or deleting the property as appropriate to the Town Meeting.
- (2) Nonhistoric buildings and structures. All buildings and structures not classified as historic based upon the criteria of Subsection D(1) and included on the list of historic properties shall be classified as nonhistoric.

§ 125-113 Application and review procedures.

A. Preapplication procedures.

- (1) Prior to making application for a certificate of appropriateness, an applicant ~~shall~~ should familiarize ~~herself/himself themselves~~ with the requirements and procedures of this section and obtain a copy of the procedures, standards, Design Review Handbook, and application form from the Planning Department. Applicants are welcome to observe a meeting of the Design Review Board to familiarize themselves with the Board's procedures.
- (2) Applicants are encouraged to meet informally with ~~the Town Planner or Code Enforcement Officer~~ Planning Department staff to discuss their project prior to preparing and submitting an application or making any binding arrangements for the proposed improvements.
- (3) All preapplication activities shall be informational in nature, and any discussions during these activities shall in no way be construed to be a decision or to bind future actions of the Board. No preapplication discussions shall cause an application to be considered to be a pending application or proceeding under 1 M.R.S.A. § 302.

B. Application submission and review procedures. The applicant shall prepare and submit an application for a certificate of appropriateness together with supporting documentation that meets the requirements set forth below, provided that all time limits provided in this section may be extended by the mutual agreement of the applicant and the Board. The submission shall be processed as follows:

- (1) The application shall be submitted to the Planning Department at least ~~seven~~ fourteen days prior to the meeting of the Design Review Board at which the application will be considered.
- (2) Upon receipt of an application, the Planning Department shall give the applicant a dated receipt and review the submission for completeness within ~~three~~ ten days.
- (3) If the Planning Department finds that the application is complete, that all required information has been submitted, the Planning Department shall place the application on the agenda for the next scheduled meeting of the Board.
- (4) If the Planning Department finds the application to be incomplete, it shall return it to

the applicant with a written indication of the additional information and/or revisions needed and shall inform the applicant that the application will not be processed until a complete application is submitted. If an application is returned to the applicant on the basis that it is incomplete, the applicant may appeal this decision, in writing, to the Design Review Board and the Board shall consider the completeness of the application at its next meeting. If the Board finds that the application is complete, it shall continue with the review of the application.

- (5) The Board shall consider an application at its next scheduled meeting after it is determined to be complete. The applicant and/or his/her representative(s) shall attend the meeting and shall explain the proposed activities to the Board and answer any questions about the application. The burden is on the applicant to demonstrate that the application meets the requirements of § 125-114. The applicant and/or his/her representative(s) may present any information to the Board that he/she feels will demonstrate compliance with the standards.
- (6) The Board shall act to approve, approve with conditions, or deny an application within 30 days of its initial consideration. The Board may extend this period to 45 days for projects involving the construction of a new building or an addition to an existing building. If the Board fails to act within the period provided the application shall be deemed to have been denied.
- (7) The Board may impose conditions on the approval but only those that are necessary to assure compliance with the standards of approval. In making its decision, the Board shall make written findings of fact establishing that the proposal does or does not meet the standards. Following its action, the Board shall notify the Code Enforcement Officer of its decision and instruct the Code Enforcement Officer as to whether a certificate of appropriateness shall be issued.

C. Coordination with site plan review.

- (1) The design review and site plan review requirements deal with different aspects of a project. Some of the activities subject to design review may also require that the applicant obtain site plan approval from the Planning Board. These include the construction of a new building, projects involving the expansion or renovation of an existing building, and situations in which the use of the building is being changed.
- (2) Prior to preparing an application for a certificate of appropriateness, the applicant should review this chapter and/or meet with the Town Planner to determine if site plan approval is required in addition to design review. If site plan review is also required, the applicant may submit concurrent applications to the two Boards and may request that the two applications be reviewed concurrently.
- (3) The application for design review must be consistent with the activities and design

submitted as part of the site plan review application. If either Board's review and approval of the plan results in revisions or conditions which affect aspects of the project subject to the other Board's review, both the applications must be modified accordingly. Projects subject to both design review and site plan review must comply with both approvals and any conditions imposed as part of the approvals.

D. Process for the demolition of a historic building. This Subsection D establishes two processes for the demolition of a building or structure classified as historic. The first allows for immediate demolition with the issuance of a certificate of appropriateness, while the second allows for delayed demolition if a certificate of appropriateness is not issued.

(1) Immediate demolition.

(a) If the owner of a building or structure classified as historic seeks to demolish the building or structure in whole or in part, the Review Board may approve the issuance of a certificate of appropriateness for the demolition if the property owner shows that the application meets the standards of § 125-114F(2).

(b) If a certificate of appropriateness is approved, the applicant may immediately apply to the Code Enforcement Officer for a demolition permit. If the Board fails to approve the issuance of a certificate of appropriateness permitting the demolition, the applicant may proceed under the delayed demolition procedures.

(2) Delayed demolition.

(a) If the Board fails to issue a certificate of appropriateness, the owner of a building or structure classified as historic may apply for a permit to demolish the building in accordance with the following procedures. The building may be demolished; provided, however, that before a demolition permit is issued, four months' notice of the proposed demolition shall be given.

(b) The objective of this provision is to further the purposes of this article by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to afford the Town, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

(c) The Board may at any time during such stay approve a certificate of appropriateness in accordance with § 125-114F(2) in which event a demolition permit shall be issued without further delay.

(d) Public notice of the pending demolition shall be provided as follows:

- [1] Notice of the proposed demolition shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street, shall be mailed to the Maine State Historic Preservation Office, and shall be delivered to the Bar Harbor Historical Society.
- [2] Notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed.

E. Submission requirements.

- (1) The activities covered by design review vary widely in their scope and complexity and, hence, in the type and amount of information needed by the Design Review Board to determine if the proposed activities are consistent with the standards of this section.
- (2) In all cases, the burden is on the applicant to provide the Board with adequate information to determine the appropriateness of the project.
- (3) To aid the applicant in preparing his/her application, the minimum submission requirements shown in the following table have been established. Applicants should submit additional information if they feel that is necessary or helpful in demonstrating that the proposed activities are consistent with the standards.
- (4) The following exhibits shall be submitted as part of an application for a certificate of appropriateness. Projects involving more than one activity must submit the exhibits required for each of the proposed activities. For example, a project involving the painting of an existing building and the installation of a new sign is required to submit the exhibits required for both aspects of the project.

§ 125-114 Design review standards.

- A. In reviewing an application for a certificate of appropriateness, the Design Review Board shall approve the issuance of a certificate if it finds the application and proposed activities are consistent with the following standards, or that they will be consistent as a result of

conditions of approval imposed on the application.

- (1) The standards are broken down into five categories:
 - (a) Standards relating to visual compatibility;
 - (b) Standards for materials and design details for structural projects;
 - (c) Standards for materials and design details for accessory projects;
 - (d) Standards for signs; and
 - (e) Standards for historic buildings.
- (2) In reviewing applications, the Board shall consider the appropriate sections of each of these categories and shall find the project in conformance with all relevant provisions before approving the issuance of a certificate of appropriateness.
- (3) ~~Appendix B contains a list of locally significant buildings within the district that reflect the type of design that these standards are intended to foster. These buildings should be viewed as the standard of design against which proposed projects are judged. The intention of providing this list is not that new proposals should seek to replicate the specific design of one of these buildings but rather to provide examples of the overall level of design that is deemed to be appropriate within the district. In addition, pictorial examples of acceptable treatments of various features are provided for many of the standards in the Design Review Handbook.~~

B. Standards relating to visual compatibility. The following standards for visual compatibility shall apply to all activities subject to a certificate of appropriateness within the Design Review Overlay District. These standards are intended to guide the design, construction, and maintenance of buildings, improvements, signs, and other visual features within the district to assure that they complement the visual character of the district and to serve as a foundation for the review of an application for a certificate of appropriateness. These standards are intended to be general statements of design principles to which activities within the district are required to conform.

- (1) Building height. The height of new buildings and additions or modifications to existing buildings shall be visually compatible with adjacent buildings as seen from public streets. Where an established pattern of building heights exists, the height or apparent height of new, expanded, or modified buildings as seen from the public street shall maintain a complementary pattern.

[Image]

- (2) Building scale and design.

- (a) The size of a building and the building mass in relationship to the site and surrounding features shall visually complement the buildings, squares, and places to which it is visually related.
- (b) Where there is an established pattern of building size or scale as viewed from a public street, new buildings or modifications to existing buildings shall be designed to maintain the existing pattern. If there is an established pattern of buildings with narrow facades on the street, a new building shall maintain this visual pattern by limiting the size of the street facade or by designing the facade to appear as a number of narrow facades or through other approaches.
- (c) The design of buildings shall visually complement the district. The design of buildings shall also conform to the following standards:
 - [1] The facade facing the street shall be treated as a front facade. The facade shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the district. Windows or architectural treatments designed to simulate windows shall comprise no less than 20% of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.
 - [2] Ground floor facades facing a public street must incorporate arcades, display windows, awnings, or other features to add visual interest to the building.
 - [3] Buildings used for retail or other public uses shall be designed to have clearly defined entrances that are visually compatible with the visual character of the district.
 - [4] Roofs shall be designed to complement visually the overall visual character of the district. A new building shall have a roofline that is similar to adjacent buildings if there is an established pattern of rooflines. If there is not an established pattern, new buildings shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false fronts or other design elements shall be used to create the appearance of a pitched roof. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.
 - [5] The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

[6] New buildings with more than 5,000 square feet of first floor area shall be designed so that the building scale is visually compatible with the character of the district. The overall mass of the building shall be visually broken into smaller elements through the physical layout of the building and/or the design of the facades.

[\[Image\]](#)

(3) Proportionality of the front or street facade.

(a) The ratio of the width of the front or street facade to the building height shall complement the visual character of the district.

(b) Where an established pattern of facade proportion exists, new or modified buildings shall maintain the established pattern. If there is a pattern of tall, narrow buildings, a new building that is wider than it is tall is inappropriate unless the facade is broken into segments that maintain the established proportions.

[\[Image\]](#)

(4) Proportionality of windows.

(a) The ratio of the width of windows to the height of the windows shall complement the visual character of the district.

(b) Modifications to existing buildings shall maintain the existing proportionality. The modification of the facade of existing buildings to change or eliminate windows shall be done in a manner that maintains the established relationship of windows to wall. The "bricking up" of windows is discouraged unless the relationship can be maintained in other ways.

(c) Where an established pattern of window proportions exists among a group of buildings or along a block face, new or modified buildings shall maintain the established pattern.

[\[Image\]](#)

(5) Building spacing. In the ~~Downtown~~ Bar Harbor Village Area Districts, where an established pattern exists with respect to the placement of buildings on the lot vis-a-vis the lot lines, new or modified buildings shall reflect the established pattern to the extent allowed by the setback provisions of the district in which they are located. In an area where the existing buildings all extend the full width of the lot, constructing a new building so that it is set back from the lot line is not consistent with this guideline unless the setback is required to meet zoning requirements. **[Amended 11-3-2009; 6-8-2010]**

[Image]

(6) Relationship of the building to the street.

- (a) The relationship of a new or modified building or structure with the street shall visually complement neighboring buildings, the overall character of the district, and other buildings to which it is visually related to the extent permitted by the setback requirements of the district in which it is located.
- (b) Where there is an established front setback pattern, new buildings or structures shall be located to maintain the established pattern if permitted by the zoning requirements. If an established pattern does not exist, new buildings shall be located in a manner that is compatible with the overall character of the district. New or reconstructed buildings shall be located on the lot so that the building is set back from the street no more than the average of the setbacks for buildings in similar locations in the district.
- (c) For buildings on corner lots, the setback relationship on both streets shall be maintained through the placement of buildings and other site features.
[Image]

(7) Pedestrian relationships and facilities.

- (a) Where sidewalks exist in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.
- (b) The walkway to the front entrance shall be constructed with materials which contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.
- (c) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

[Image]

[Image]

- (8) Motor vehicle facilities and services. The location and design of facilities for motor vehicles, including parking lots, driveways, access roads, drive-through facilities, and service and fueling areas, shall visually complement the overall character of the district. The design of the site shall also conform to the following standards:
 - (a) Vehicular facilities shall not be located between the front of the building and the street.
 - (b) Access drives, driveways, and entrances or exits to drive-through services shall not pass between the building and the sidewalk where a sidewalk exists.
 - (c) Parking lots shall be located to the side or rear of the building.
 - (d) Overhead doors and service areas shall be located on the side or rear of the building and must be screened from view from a public street.
 - (e) Drive-through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the front of the building and the street or in other areas where it is visually incompatible.
 - (9) Multiple buildings on a lot in the Town Hill Village Area Business District. In the Town Hill Village Area Business District, the layout of buildings on a lot shall reflect the layout of other lots in the district with multiple buildings. The arrangement of the buildings should be visually compatible with the street and with the buildings on the lot. **[Added 11-3-2009]**
 - (10) Viewshed in Town Hill Village Area Business District. Building height and placement are subject to further review in the Town Hill Village Area Business District to determine any visual impacts to retain the vista along Route 102 from the Crooked Road intersection to the Pine Heath Road intersection. **[Added 11-3-2009]**
- C. Standards for materials and design details for structural projects. The following standards are intended to assure that proposals conform to the quality of design that has historically been associated with buildings within the district. The structural standards have been designed to promote compatibility with Bar Harbor's historic character and its scenic location. Certain types of design are inappropriate within the designated Design Review Overlay Districts since they will not meet these standards and thus do not enhance the existing visual character or preserve Bar Harbor's uniqueness. **[Amended 11-3-2009]**
- (1) Construction standards. With the advent of many new exterior materials, the standards are not intended to prohibit the use of all new materials. Therefore, any quality material that simulates traditional features will be evaluated on a case-by-case

basis. The following standards apply to the construction of new buildings, additions to existing buildings, reconstruction, and major renovations:

(a) Siding material.

- [1] Siding is applied as the exposed surface on the outside walls of buildings to provide a barrier against the penetration and infiltration of weather and at the same time enhance the visual and architectural quality of the structure in keeping with other buildings in the district. The selected siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related.
- [2] The siding used on the building should be a material that is in common use within the overlay district. The following are appropriate siding materials:
 - [a] Clapboards/shiplap.
 - [b] Shingles/shakes.
 - [c] Stucco/concrete. Stucco with wood trim interruption (English Tudor) is acceptable. Concrete block and poured or precast concrete are acceptable for foundation and fire walls but are generally not appropriate for wall surfaces that can be seen from a public street. Masonry products designed to replicate other appropriate materials are acceptable siding.
 - [d] Brick.
 - [e] Stone.
 - [f] Vinyl/metal siding. Vinyl or metal siding designed to replicate traditional siding material is appropriate but flat or corrugated metal or plastic panels are inappropriate as siding within the district.
 - [g] In the Town Hill Village Area Business District, barn board, and board and batten.
- [3] Unfinished plywood or composite flat sheet products such as T-111 are not appropriate siding materials, except for areas that cannot be seen from a public street.

(b) Exterior finishes. The exterior finish of a structure represents the final

completion stage. Although this stage is one of the simplest to alter, it is one of the most visible aspects of a building, therefore great care must be taken in the selection of the exterior finish for any structure. The following standards shall be used for determining acceptable finish choices:

- [1] The colors shall be based upon the architectural style of the structure as well as the period in which it was built;
- [2] The selected colors shall reflect hues and shades which were available in the era and style depicted;
- [3] The paint colors shall be harmonious to and blend in with the immediately adjacent structures in the area.

(c) Windows.

- [1] Windows are glassed openings in the exterior walls of buildings to admit light and air, allow for viewing, permit merchandise display, and to enhance the architectural beauty of the structure. The windows in a building shall be visually compatible. Almost any style is appropriate as long as the size is proportional to the building and maintains the architectural continuity of the building.
- [2] Materials are appropriate if they simulate traditional materials or are visually compatible with other components of the building.

(d) **Doors and doorways (in the ~~Downtown~~ Bar Harbor Village Area Districts-only). [Amended 6-8-2010]**

- [1] Doors are a means of safe and orderly entrance to and egress from buildings. As the entrance to the building, the front or main door is often the focal point of the principal facade. Therefore, care must be taken in designing the doorway and selecting a door that is visually compatible with the structure.
- [2] Doors and doorways shall conform to the following standards:
 - [a] Major store entrance doors shall be recessed from the property line so as not to interfere with pedestrian traffic when they are opened.
 - [b] Front doors shall have transoms above to the full height of store windows if this is consistent with the established pattern of other entrance doors.

(e) Roofing.

- [1] Roofing is intended to protect the horizontal portions of a building from the penetration and infiltration of weather while maintaining the architectural integrity of the structure. The roofing material and color, if visible from a public street, shall be selected to be visually compatible with the style of the building and the other exterior finishes and colors.
- [2] In the ~~Downtown~~ Bar Harbor Village Area Districts, brightly colored metal, plastic or fiberglass roofing is visually incompatible with the character of the district and therefore inappropriate. **[Amended 6-8-2010]**
- [3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building and its environs.
- [4] In the ~~Downtown~~ Bar Harbor Village Area Districts, appropriate roof colors include neutral shades such as earth tones, greys, and black. Bright or primary colors are not appropriate. **[Amended 6-8-2010]**

(f) Trim.

- [1] Trim is the molded and projecting woodwork or stonework which frames a building and its changes in direction in an aesthetically pleasing or bold fashion. The trim shall be visually compatible with the style of the building and the other exterior finishes.
- [2] The following materials are appropriate for use as trim: wood, stone, brick, vinyl, and metal.
- [3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.
- [4] Trim materials may be mixed and matched as long as the style and color of the trim are consistent and visually compatible with the other elements of the building.

(g) Entrances.

- [1] In the ~~Downtown~~ Bar Harbor Village Area Districts, an entrance is much more than a doorway. It is a means of getting from the street to the front door and may include changes in grade, protection from the elements, and/or a degree of landscaping and lighting. The entrance to the building shall be visually compatible with the overall building treatment and

should be the focal point of the facade. The entrance shall be designed and placed to have both a visual and functional relationship to the street and sidewalk. **[Amended 6-8-2010]**

- [2] The following are appropriate design treatments for entrances: porticos, porches, decks, steps/ramps, and canopies/awnings. Awnings and canopies must be attached to the structure and shall function as an extension of the building. Freestanding accessory structures such as tents or canopies at the front of the building are incompatible with the existing visual character of the district and shall not be allowed. Standards for awnings and canopies are in a later section.
 - [3] The following are appropriate materials for use in entrances: wood, vinyl, tile, stucco, stone, brick, concrete, canvas, fiberglass, and metal.
 - [4] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.
- (2) Relocation/demolition standards. The demolition or relocation of the building should occur in a timely manner. After the relocation or demolition has occurred, the lot must be cleared, graded, and replanted within 30 days of the completion of the work and maintained until the lot is reused.
- (3) Standards for seasonal closures.
- (a) The Town of Bar Harbor discourages the seasonal boarding up of businesses. No matter how much effort is put into making these closures look attractive, they give the Town the appearance of being shut down, which is detrimental not only to those businesses that remain open and to potential customers, but also to local citizens and guests who view them during the off-season. The Board strongly discourages the placement of closure treatments involving the covering of display windows before January 1.
 - (b) Provisions for the seasonal closure of a business shall:
 - [1] Be visually compatible with the building.
 - [2] Be architecturally similar to the building materials, design, and color.
 - [3] Fit appropriately in the space being enclosed.
 - [4] Be safely and securely attached.

- [5] Have a neat and clean appearance.
 - (c) The most appropriate approach to the seasonal closure of a business is for signs and window displays to remain in place. Where this is not possible or desirable, other appropriate approaches include leaving display spaces and windows empty, installing storm doors and windows, and installing wood panels or shutters over openings.
 - (d) Closure provisions that cover windows or display spaces with materials such as bed sheets, paper, tarps, cardboard, or bubble wrap or soaped or painted glass are inappropriate.
 - (e) Signs shall be left in place or removed. The covering or wrapping of signs with tarp or other plastic materials is not appropriate. The use of a canvas cloth covering the sign, and bearing the name of the business, is encouraged.
- D. Standards for materials and design details for accessory projects. The following standards apply to projects that do not involve the actual structure of the building but significantly impact upon the visual environment and the compatibility of the building with the character of district. Separate standards are provided for awnings, canopies, and umbrellas, outdoor displays, lighting, and landscaping. The accessory standards have been designed to promote compatibility with the district's historic character and its scenic location.
- (1) Standards for awnings, canopies, and umbrellas. The objective of the Town is to encourage property owners and businesses to make permanent improvements to the property in the district. Therefore, the use of temporary structures is discouraged. At the same time, the Board recognizes that awnings, canopies, and umbrellas can provide cover, add color, provide shade, and serve as a transition between the storefront and the upper facade in the case of awnings and canopies.
 - (a) General standards.
 - [1] Rigid or fixed awnings, sunscreens, umbrellas, or permanent canopies are not appropriate on any portion of the premises or building unless the proposed awning, sunscreen, umbrella, or permanent canopy is visually compatible with the building and its surrounding area considering the following:
 - [a] Its compatibility with the topography of the area.
 - [b] That it is customary and incidental to the activity being housed in the building or appropriate for that location due to unique circumstances.

- [c] Its compatibility with similar elements of adjacent properties.
 - [d] That it is designed so that it will not cover unique or architecturally significant building features.
- (b) Location and size of awnings and canopies.
- [1] Awnings shall extend at least the full width of existing window and door frames on the first floor.
 - [2] Awnings on upper-floor windows shall be installed over individual windows and shall complement the window design, building architecture, and color.
 - [3] Canopies or awnings shall be attached to the building and not extend more than 12 feet from the wall (toward the street) to which they are attached. In the case where an awning follows another existing wall of the building at right angles (such as an L or a U), it may extend out to the point where it is parallel with the portion of the building closest to the street.
 - [4] Freestanding canopies or tents are inappropriate for ongoing use. Tents are appropriate for use for periods of not more than 72 hours with prior approval of the Code Enforcement Officer and shall only be used for appropriate outdoor functions, such as art shows, festivals, fairs, weddings, and similar events.
 - [5] A street level awning shall be at least 18 inches behind the curb.
- (c) Awning design.
- [1] Awning construction and materials offer different patterns and shapes. There are three basic shapes: 1/4 barrel, shed, and domes.
 - [2] The design review standards are not intended to restrict the shape of awnings; however, the design shall be visually compatible with and maintain the character of the building. Side panels on awnings are discouraged but are permitted if they are graphically treated so as to make the panel compatible with the overall design of the building.
- (d) Awning color. The color of the material, and any graphics, stripping, or pattern, shall be compatible with the building architecture, materials, and color.

(e) Awning materials.

[1] The most common awning materials are canvas, vinyl, vinyl-coated canvas, and canvas-like synthetic materials. Glossy finish vinyl is not appropriate. Synthetic canvas is available in acrylics, polyesters, nylons, and other man-made materials. Any of these materials are appropriate.

[2] Metal awnings and glass canopies detract from the historic character of the community and are not appropriate.

(f) Awning lighting. Lighting shall conform to the requirements in § **125-67Z**, Lighting Ordinance. **[Amended 6-9-2009]**

(2) (Reserved)

(3) Landscaping standards. The landscaping standards are intended to maintain and enrich the character and beauty of the Town through the regulation of landscaping which provides aesthetically pleasing scenery, shelter and food for wildlife, natural boundaries and buffers for people, and the control of erosion. The landscaping in conjunction with the construction of a new building or an addition to existing buildings, or major landscaping projects that significantly alter the exterior appearance of a building that is used in whole or in part for nonresidential purposes, is subject to approval by the Design Review Board.

(a) Materials.

[1] Materials and types of vegetation for landscaping are too numerous to list and most are acceptable; however, the material chosen shall be visually compatible with the building.

[2] The use of invasive species as listed by the University of Maine Cooperative Extension is discouraged. **[Added 11-3-2009]**

(b) Design. The design of the landscape should enhance the appearance of the building as well as the grounds. Landscaping shall not block unique architectural features of the building or appear disproportional to the lot and building size.

(c) Town Hill Village Area ~~Business District~~ plantings shall include street tree plantings. Parking areas shall be screened from Route 102. Shrubs and other materials shall enhance the buildings. All other requirements in § **125-67H** shall be followed. **[Added 11-3-2009]**

E. Standards for historic buildings. The standards, as applicable in the opinion of the Design

Review Board, outlined in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, as most recently updated, shall apply to all preservation measures, demolition, relocation and renovations of buildings and structures classified as historic in accordance with § 125-112D(1). Additionally, the following standards apply: **[Amended 11-2-2004]**

- (1) Preservation of an historic building. A building or structure classified as historic, or any part or appurtenance, including but not limited to stone walls, fences, light fixtures, steps, paving, and signs, shall only be moved, reconstructed, altered, or maintained in a manner which will preserve the historic and architectural character of the building, structure or appurtenance. Provisions for handicapped access as required by state and federal law shall be provided in a manner which preserves the historic and architectural character of the building or structure.
- (2) Demolition of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the demolition of an historic building only if the property owner shows that the preservation of the building is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes its retention infeasible.
- (3) Relocation of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the relocation of an historic building to another site only if it is shown that the preservation on its existing site is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes the retention infeasible.
- (4) Renovation or expansion of an historic building.
 - (a) The design review requirements are intended to preserve and protect, improve, and enhance the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the district. Those buildings classified as historic possess identified historic or architectural merit of a degree warranting their preservation. Any building designated as historic shall retain all of its original features to the maximum extent feasible. Modifications or additions shall maintain the architectural style and treatment of the original building.
 - (b) The following standards shall apply to the renovation or expansion of an historic building:
 - [1] All materials shall match the original materials in texture, dimension, color, location, and design.

- [2] Existing features such as porches, steps, handrails, balusters, cornices, columns, lintels, windows, fixtures, hardware, doors, and roofs shall be retained.
- [3] The design of any modification of or addition to the existing building shall maintain the architectural style of the existing building and shall conform to the existing treatment with respect to trim and exterior finishes.
- [4] Handicapped access shall be located and constructed so as not to obscure character-defining features of the entranceway or porch.
- [5] Porches and steps shall not be enclosed in a manner that destroys their intended appearance.
- [6] The selected paint colors shall be consistent with Subsection **C(1)(b)**.

F. Other standards. [**Added 11-3-2009**]

(1) Town Hill Village Area ~~Business District~~.

- (a) A visual impact assessment shall be submitted to the Board to review the impacts from the development on the viewshed from Route 102 in a southwesterly direction.

(b) Building placement.

- [1] Multiple buildings on a lot shall be arranged such that the smallest portion of a building, or the smallest building as proposed, shall be along the street.
- [2] A principal building on a lot shall be arranged such that the narrowest width of the building faces the street.

Attachment 4 – Appendix A – Historic Properties in the Design Review Overlay District

Version September 26, 2023 – THIS LANGUAGE WILL LIKELY CHANGE DUE TO THE FEEDBACK FROM THE SEPTEMBER 28 LISTENING SESSIONS.

Tax Map/ Lot #	Historic Name	Address	Present Name	Date Built	Significance
101-005-000	Acadia Cottage (home only)	89 Eden Street	Kathryn W. Davis Center	1887	National Register property ¹
101-005-000	Acadia Landing	105 Eden Street		1903	National Register property ¹
101-005-000	Fabian Cottage Stable	105 Eden Street	Davis Carriage House	1887	National Register property ¹
101-005-000	Edenwold	91 Eden Street	Seafox	1903	National Register property ¹
101-005-000	The Turrets	105 Eden Street	The Turrets	1895	National Register property
101-005-000	Witch Cliff (home, guest house, garage, & Ellison Cottage)	83 Eden Street	Witch Cliff	1936, 1940	National Register property ¹
101-020-000	Cleftstone	92 Eden Street	Cleftstone Manor	c. 1880s	National Register property
102-001-000	Westbridge	1 Bridge Street		1887	National Register property ²
103-012-000	Villa Mary (home only)	77 Eden Street	Villa Mary	1879-80	National Register property ¹
103-015-000	Bagatelle (home, guest house, & carriage house only)	75 Eden Street	Bagatelle	1883, 1904	National Register property ¹
103-016-000	Fenwold	6 Harbor Lane	Fenwold	1891	National Register property ¹
103-021-000	Mainstay (home only)	8 Harbor Lane	Green Court	1883-04	National Register property ¹
103-022-000	Anchorage (home and carriage house/garage only)	9 Harbor Lane	Anchorhold	1885	National Register property ¹
103-023-000	Reverie Cove (home and carriage house only)	7 Harbor Lane		1893	National Register property ¹
103-051-000	The Farm House (home and tool shed, caretaker's house, & garage only)	15 Highbrook Road	Main House	c. 1920, 1929	National Register property ³
104-001-000	La Rochelle	127 West Street	Bar Harbor Historical Society	1903	National Register property ²

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104-002-000	The Breezes	125 West Street	The Breezes	1896	National Register property ²
104-003-000	Greenlawn	123 West Street	Greenlawn	1887	National Register property ²
104-004-000	Saltair	121 West Street	Saltair	1887	National Register property ²
104-005-000	The Tides	119 West Street	The Tides	1887	National Register property ²
104-007-000	The Sunset	115 West Street	The Sunset	1911	National Register property ²
104-009-000	The Bar Harbor Club	111 West Street	The Bar Harbor Club	1929-30	National Register property ²
104-009-000	Guelph	111 West Street	Rosebriar	c. 1875	National Register property ²
104-032-000	Blanchfield House	37 Eden Street	Blanchfield House	c. 1865	Architectural/ historical
104-033-000		41 Eden Street	Caruso Residence	c. 1890	Architectural/ historical
104-037-000	The Crossways	4 Holland Avenue	The Crossways	1901	National Register property ²
104-038-000	Westfield	120 West Street	Westfield	1901	National Register property ²
104-039-000	Maisonette	118 West Street	Maisonette	1886	National Register property ²
104-040-000	Chantier	116 West Street	Chantier	1887	National Register property ²
104-041-000	The Kedge	112 West Street	The Kedge	c. 1870	National Register property ²
104-058-000	Bar Harbor High School	93 Cottage Street	Bar Harbor Municipal Building	1907-08	Architectural/ historical
104-061-000	Robert Hodgkins residence	69 Cottage Street	Cottage on Cottage		Architectural
104-068-000	Petunia Cottage	110 West Street	Petunia Cottage	1877	National Register property ²
104-069-000	Foster Cottage	108 West Street	Foster Cottage	1878	National Register property ²
104-070-000	Boscobel	106 West Street	Sand Bar Cottage	1887	National Register property ²
104-092-000	Dr. Norton's Office	67 Cottage Street	MDI Dental Arts		Architectural
104-097-000	Thankful Cottage	1 Billings Avenue	Thankful Cottage	c. 1850	Architectural
104-112-000	U.S. Post Office	55 Cottage Street	U.S. Post Office	1909	National Register property
104-121-000		17 Main Street	Galyn's	c. 1892	Architectural

Version September 26, 2023 – **THIS LANGUAGE WILL LIKELY CHANGE DUE TO THE FEEDBACK FROM THE SEPTEMBER 28 LISTENING SESSIONS.**

104-137-000		23 Cottage Street	Cadillac North Face	c. 1900	Possible National Register district
104-139-000		29 Cottage Street	Cadillac AG	c. 1910	Possible National Register district
104-140-000	Criterion Theatre	35 Cottage Street	Criterion Theatre	1932	National Register property
104-141-000	Odd Fellows Hall	39 Cottage Street	Odd Fellows Hall	c. 1937	Local landmark
104-157-000	Haraden residence	130 Cottage Street	2 Cats	c. 1884	Architectural
104-237-000		73 Mt. Desert Street	Primrose Inn	c. 1878	Architectural
104-238-000	Ash Cottage	69 Mt. Desert Street	Mira Monte Inn	1864	Architectural
104-244-000	H.A. Brown Furniture	74 Cottage Street	Salon NaturELLES Brasserie Le Brun		Architectural
104-254-000	Christian Science Church	57 Mt. Desert Street	White Columns Inn	1937	Architectural/ historical
104-255-000	Stonethrow	67 Mt. Desert Street	Stonethrow	c. 1860	Architectural
104-268-000	American Legion Hall	70 Cottage Street	American Legion Hall	c. 1928	Architectural/ historical
104-297-000		47 Mt. Desert Street	Thornhedge Inn	1900	Architectural
104-317-000		39 High Street	Stratford House Inn	1900	Architectural
104-318-000	St. Saviour's Church and Rectory	41 Mt. Desert Street	St. Saviour's Church and Rectory	1877-1938	National Register property
104-326-000	Central House	60 Cottage Street	Central House	1887	Architectural/ historical
104-342-000	Bar Harbor Congregational Church	29 Mt. Desert Street	Bar Harbor Congregational Church	1951	Architectural/ historical
104-355-000		46 Cottage Street	Rosalie's	c. 1900	Architectural
104-372-000		14 Cottage Street	Pink Pastry Shop	c. 1889	Possible National Register district
104-373-000		8 Cottage Street	Merchant & Frye		Architectural
104-383-000	Emery Block Building	103 Main Street	Bar Harbor Savings & Loan Assn.	c. 1900	Architectural
104-386-000	Lyford Woodard Building	109 Main Street	Bar Harbor Law Offices	c. 1887	Architectural/ historical

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104-387-000	F.H. Moses Florist Shop	113 Main Street	Sand Beach Surf Co.	1904	Architectural
104-392-000	Bar Harbor Police Station	38 Rodick Street	Coston & McIsaac	c. 1900	Architectural/ historical
104-401-000	Comfort Station	Firefly Lane	Information Building		Architectural/ historical
104-401-000	Bar Harbor Fire Station	Firefly Lane	Bar Harbor Fire Station	1911	Architectural/ historical
104-403-000	Village Green (bandstand, clock, fountain)	Main and Mt. Desert	Village Green	various	Local landmark
104-413-000		74 Mt. Desert Street	Holbrook House Inn	c. 1876	Architectural
104-419-000	Holy Redeemer Roman Catholic Church	56 Mt. Desert Street	Holy Redeemer Roman Catholic Church	1907	Architectural/ historical
104-432-000	Y.W.C.A.	36 Mt. Desert Street	Y.W.C.A.	1913	Local landmark
104-433-000	Jesup Memorial Library	34 Mt. Desert Street	Jesup Memorial Library	1911	Architectural/ historical National Register property
104-450-000	YMCA	26 Mt. Desert Street	Abbe Museum	1899	Local landmark- <u>National Register property</u>
104-481-001	McKay Cottages	227 Main Street	McKay's Restaurant		Architectural
104-492-000		194 Main Street	Ivy Manor		Architectural
104-493-000		166 Main Street	Window Panes		Architectural
104-497-000	Butterfields	154 Main Street	Sailor & Hook		Architectural/ historical
104-504-000	Pine and Palm (original facade only)	134 Main Street	Acadia Corporation	c. 1883	Architectural/ historical
104-507-000	Sproul's Cafe	128 Main Street	Ward Building	1880	National Register property
104-509-000	Bee's Candy	116 Main Street	Hemporium	c. 1880	Architectural/ historical
104-510-000	Caleb's	112 Main Street	The Barnacle	c. 1900	Architectural
104-512-000	First National Bank (original building only)	102 Main Street	First National Bank		Architectural/ historical
104-519-000	Grant Building	80 Main Street	Dali's Jewelry <u>The Beehive</u> <u>General Store</u>	1897	Architectural/ historical
104-523-000	The Mount Desert Reading Room (original reading room only)	8 Newport Drive	Bar Harbor Inn	1887	Architectural/ historical

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104-525-000	Morrison Building	62 Main Street	The Stadium	1897	Architectural/ historical
104-528-000	Sherman's Bookstore	56 Main Street	Sherman's Bookstore		Architectural
104-530-000	Agamont Park fountain	3 Newport Drive	Agamont Park fountain		Local landmark
104-531-000	Bar Harbor Banking & Trust	82 Main Street	Bar Harbor Banking & Trust	1887	Architectural/ historical
105-001-000	Bass Cottage	14 The Field	Bass Cottage Inn	1885	Possible National Register district
105-002-000	Ullikana	16 The Field	Ullikana	1885	Possible National Register district
<u>105-084-000</u>	<u>John Innes Kane Cottage</u>	<u>45 Hancock Street</u>	<u>Atlantique</u>	<u>1903-04</u>	<u>National Register property</u>
<u>107-049-000</u>	<u>St. Edward's Convent, (Former)</u>	<u>33 Ledgelawn Avenue</u>		<u>1917</u>	<u>National Register property</u>
107 219-000	Bangor Hydro Building	18 Edgewood Street	Bangor Hydro Building		Architectural/ historical
108-005-000	Edgar Morang Residence	278 Main Street	Project Social	1924	Architectural
<u>108-020-000</u>	<u>Redwood</u>	<u>10 Barberrry Lane</u>		<u>1879</u>	<u>National Register property</u>
108-068-000	Bar Harbor Water Co.	337 Main Street	Anchor Space	1895	Architectural
<u>115-022-001</u>	<u>Nannau</u>	<u>14 Nannau Wood</u>		<u>c. 1904</u>	<u>National Register property</u>
<u>206-009-000</u>	<u>Garland Farm (Farmhouse, Farrand Wing, & greenhouse only)</u>	<u>1029 State Highway 3</u>		<u>c. 1870s, 1955-56, 1957</u>	<u>National Register property⁴</u>
<u>214-010-000</u>	<u>Stone Barn Farm (home, carriage house, & barn only)</u>	<u>487 Crooked Road</u>	<u>Stone Barn</u>	<u>c. 1850, 1900, c. 1907</u>	<u>National Register property⁵</u>
<u>216-038-000</u>	<u>Hulls Cove School House</u>	<u>6 Neighborhood Road</u>	<u>Hulls Cove School House</u>	<u>1909</u>	<u>National Register property</u>
<u>216-051-000</u>	<u>Cover Farm (home and chauffer's residence only)</u>	<u>46 Cover Farm Road</u>		<u>c. 1810, 1917</u>	<u>National Register property⁶</u>
<u>216-096-000</u>	<u>Church of Our Father</u>	<u>91 State Highway 3</u>	<u>Church of Our Father</u>	<u>1890-91</u>	<u>National Register property</u>
<u>224-020-000</u>	<u>Eegonos</u>	<u>145 Eden St.</u>	<u>East of Eden</u>	<u>1910</u>	<u>National Register property</u>
<u>242-002-000</u>	<u>Higgins Barn</u>	<u>256 Oak Hill Rd.</u>		<u>c. 1810</u>	<u>National Register property</u>
<u>259-001-000</u>	<u>Highseas</u>	<u>260 Schooner Head Road</u>		<u>1912</u>	<u>National Register property</u>
Signs					

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104-125-000	Geddy's Pub Moose	19 Main Street	Geddy's Pub Moose		Local landmark
104-140-000	Criterion Theatre marquee	35 Cottage Street	Criterion Theatre marquee	1932	National Register property
104-384-000	West End Drug stained glass	105 Main Street	West End Drug stained glass		Architectural/ historical
104-512-000	First National Bank clock sign	102 Main Street	First National Bank clock sign		Architectural/ historical
104-531-000	Bar Harbor Banking & Trust awning sign	82 Main Street	Bar Harbor Bank & Trust awning sign	1887	Architectural/ historical

1. This is a contributing building or structure within a National Register of Historic Places district: Harbor Lane-Eden Street Historic District

2. This is a contributing building within a National Register of Historic Places district: West Street Historic District

3. This is a contributing building within a National Register of Historic Places district: The Farm House

4. This is a contributing building within a National Register of Historic Places district: Garland Farm

5. This is a contributing building within a National Register of Historic Places district: Stone Barn Farm

6. This is a contributing building within a National Register of Historic Places district: Cover Farm

Appendix B
Locally Significant Properties in
Design Review Overlay District

Map/Lot Number	Address Common Name
104-521-000	66 Main Street Ben & Bill's Chocolate Emporium
104-402-000	119 Main Street Rupimimi's (Old Mary Jane Building)

- 102-004-000 1 West Street
Harbor Place

- 104-131-000 53 Main Street
Bayside Landing/Testa's

- 104-024-000 124 Cottage Street
Porcupine Grill

- 103-051-000 15 Highbrook Road

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

Municipal Officers of the Town of Bar Harbor

Valerie Peacock, Chair

Gary Friedmann, Vice Chair

Matthew A. Hochman

Joseph Minutolo

Kyle Shank

Maya Caines

Earl Brechlin



Town of Bar Harbor Planning & Code Department

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Comprehensive Plan – Planning Board Workshop Agenda & Materials

Wednesday, October 4, 2023

**Planning Board 2007 Goals, Policies, & Strategies Review
after Planning Board meeting**

Meeting Location

This workshop will be held in-person after the monthly Planning Board meeting on October 4, 2023. Any member of the public can attend this workshop in person at 93 Cottage Street in the Town Council Chambers.

Objectives

- Determine if the **BELOW** goals, policies, and strategies of the **2007 Comprehensive Plan** are still applicable, completed, or need to be updated (refers to the document listed under 2. d) 2007 Comp. Plan, Section III. Goals, Policies and Strategies and e) 2007 Comp. Plan, Section IV. Implementation Schedule)
 - Obtain ideas and input on new policies and/or strategies
-

Agenda

1. Review the **NON-Priority** land use goals, policies, and strategies
 - a) Determine if it:
 - Is still applicable
 - Is completed
 - Needs to be updated
 - b) Provide suggestions for new policy and/or strategies
2. Next Steps



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Selected 2007 Comprehensive Plan Summary of Goals, Policies, Strategies Pertaining to Planning Board Responsibilities (for a complete version of the strategies refer to the 2007 Comp. Plan, Section III. Goals, Policies and Strategies — see link on previous page)

Strategy #	Description	Timeframe [1]	Lead [2]	Collaborators [3]
1A	Protect fresh water resources			
1A2	Monitor water quality	SHORT-TERM, ON GOING	Code Enforcement & Planning Board (LUO changes)	Planning Department, Conservation Commission, USGS (contract)
1A3	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1B	Shoreland Zoning			
1C	Protect natural, scenic, and cultural resources			
1C1	Voluntary protection	ON GOING	Conservation Commission	Planning Board, Planning Department
1C2	Open space plan	MID-TERM	Conservation Commission	Planning Board, Planning Department
1C3	Open space lease program	MID-TERM	Conservation Commission	Planning Board, Planning Department, Town Council, Town Manager
1C4	Favorite Places Fund	MID-TERM	Town Council	Town Manager, Planning Board, Planning Department, Conservation Commission
1C5	Open space impact fees	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1D	Protect agricultural and forest resources			
1D3	Creative regulations and acquisitions	SHORT-TERM, MID-TERM	Planning Board, Conservation Commission	Planning Department, Town Council
1D5	Identify properties, Favorite Places Fund	MID-TERM	Conservation Commission	Town Council, Town Manager, Planning Department, Planning Board
1D6	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1D7	Extractive industry	ON GOING	Planning Board	Planning Department
1E	Protect natural resources			
1E1	Setbacks from wetlands	ON GOING	Planning Board	Planning Department, Conservation Commission
1E2	Evaluate functions of wetlands	SHORT-TERM	Planning Department	Planning Board, Conservation Commission
1E3	Locate vernal pools and ordinance amendments	SHORT-TERM	Planning Department	Planning Board, Conservation Commission



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1E4	Ordinance amendments to protect habitats	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1E5	Locate natural communities and ordinance amendments	SHORT-TERM	Planning Department	Planning Board, Conservation Commission
1E6	Plant native species	SHORT-TERM,	Planning Department, Public Works Department	Planning Board, Conservation Commission
1E7	Discourage use of herbicides and pesticides	SHORT-TERM, ON GOING	Planning Board	Planning Department, Conservation Commission, Public Works Department,
1F	Preserve scenic views			
1F1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1F2	Update Scenic Byways Plan	MID-TERM	Corridor Management Committee	Conservation Commission, Planning Board, Planning Department
1F3	Place utilities underground	ON GOING	Public Works Department	Planning Board, Planning Department, Town Council, Town Manager
1G	Protect air quality			
1G1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1G3	Reduce vehicle emissions	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
1G5	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department
1G6	Maintain and plant shade trees	SHORT-TERM, ON GOING	Planning Board, Public Works Department	Town Council, Town Manager, Planning Department
1H	Preserve scenic approaches to villages			
1H1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Corridor Management Committee
1H2	Develop design plan	SHORT-TERM	Corridor Management Committee	Planning Department, Planning Board, Design Review Board
1H3	Extend design review	MID-TERM	Planning Board	Planning Department, Corridor Management Committee, Design Review Board
1H4	Develop guidelines for off-season	SHORT-TERM	Design Review Board	Planning Department, Planning Board, Chamber
1I	Require development outside villages and institutional campus areas to be inconspicuous			
1I1	Prepare manual	MID-TERM	Planning Department	Planning Board, Design Review Board
1I2	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Design Review Board
1J	Preserve historic and archaeological resources			



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1J1	Seek funds and survey historic and prehistoric sites	MID-TERM	Planning Department	Planning Board, Design Review Board, Historical Society
1J2	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Design Review Board, Historical Society
1J3	Update Historic Building Inventory	MID-TERM	Planning Board	Planning Department, Design Review Board, Historical Society
1J5	Create dark skies management plan and ordinances	MID-TERM	Planning Board	Planning Department, Conservation Commission, Design Review Board
1K	Preserve Shore Path			
1K2	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department
1L	Develop additional walkways, parks, and trails			
1O	Minimize noise outside of villages			
1O1	Evaluate ordinances	SHORT-TERM	Planning Board	Planning Department, Chamber, business community
2B	Fine tune zoning in Bar Harbor village			
2B1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Design Review Board
2B4	Monitor effectiveness of zoning	ON GOING	Planning Department	Planning Board, Design Review Board, Historic Society
2B5	Adjust zoning for Kennebec, School, and Holland Ave	SHORT-TERM	Planning Board	Planning Department
2B6	Adjust standards for infill	SHORT-TERM, ON GOING	Planning Board	Planning Department
2B7	Evaluate standards for B&B's	SHORT-TERM	Planning Board	Planning Department, B&B Association, Chamber
2C	Streamline Site Plan Review			
2C1	Adjust site plan review process	ON GOING	Planning Department	Planning Board
2C3	Explore consolidating site plan and design review	SHORT-TERM	Town Council	Town Manager Planning Board, Planning Department, Design Review Board
2D	Revise and broaden design review for historic and archaeological, scenic byway, and other concerns			
2D1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Design Review Board, Downtown Task Force, Corridor Management Committee, Historic Society
2D2	Expand design review to villages	MID-TERM	Planning Board	Planning Department, Design Review Board, Historic Society
2D4	Adjust signage standards	SHORT-TERM	Planning Board	Planning Department, Design Review Board
2E	Allow and sometimes require PUDs			
2E1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Conservation Commission
2E2	Determine when to require PUD	MID-TERM	Town Council	Town Manager, Planning Board, Planning Department, Conservation Commission



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2E3	Evaluate effectiveness of PUD	ON GOING	Planning Board	Planning Department, Conservation Commission
2F	Investigate flexible zoning			
2G	Direct growth in ways compatible with traditional character, to impose less expense on Town services, and simplify zoning			
2G22	Explore density transfer options	SHORT-TERM	Planning Board	Planning Department
3A3	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Chamber, business community
3B	Encourage light industry			
3B2	Help subsidize costs	MID-TERM	Town Council	Town Manager, Planning Department, Planning Board, Chamber
3B3	Encourage job training	ON GOING	Town Council	Town Manager, Planning Department, Planning Board, Chamber, major employers
3C	Restrict commercial amusements			
3C1	Evaluate use	SHORT-TERM	Planning Board	Planning Department, Chamber
3C2	Allow year-round and cultural uses	SHORT-TERM	Planning Board	Planning Department, Chamber
3D	Encourage home occupations			
3D1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Chamber
3D2	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Chamber
3G	Support Downtown			
3G2	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department, Downtown Task Force, Design Review Board
3G4	Provide incentives for year-round businesses	SHORT-TERM, ON GOING	Downtown Task Force	Planning Board, Planning Department, Design Review Committee, Town Council, Town Manager
3I1	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department
3I2	Streamline review process	SHORT-TERM	Planning Board	Planning Department
4A	Adopt Harbor Management Plan and update Waterfront Master Plan			
4A1	Prepare and update plans	MID-TERM	Harbor Committee	Harbor Master, Planning Department, Downtown Task Force, Marine Resource Committee, Planning Board
4B	Maintain and revitalize harbor			
4B6	Evaluate Harborview Park	MID-TERM	Harbor Master	Harbor Committee, Planning Board, Town Council, Town Manager, Department Heads
4C10	Use of herbicides and pesticides	SHORT-TERM	Planning Board	Planning Department, Marine Resources Committee



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4C8	Review standards for private piers	SHORT-TERM	Planning Board	Planning Department, Marine Resources Committee
4C9	Consider restricting private piers in Western Bay	SHORT-TERM	Planning Board	Planning Department, Marine Resources Committee
4E	Prevent growth in coastal areas			
5B	Develop plan for ongoing investment in infrastructure			
5B1	Document maintenance needs	ON GOING	Town Council	Town Manager, Planning Board, Planning Department
5B2	Exempt minor town projects	SHORT-TERM	Planning Board	Planning Department, Town Council, Town Manager
5C	Ensure clean and efficient operation of sewer system			
5C3	Research alternative sewage treatment	SHORT-TERM	Planning Board	Planning Department
5K	Balance tax exempt property with demands on services			
5K2	Prepare education information	MID-TERM	Town Council	Town Manager, Finance Department, Planning Board, Planning Department
5L	Update road standards			
5L1	Update minimum standards	SHORT-TERM	Planning Board	Planning Department, Public Works Department, Fire Department, Police Department
5L2	Update road acceptance policy	SHORT-TERM	Town Council	Town Manager, Planning Department, Planning Board, Public Works Department
5L3	Require private road disclosure in deeds, plans, and marketing materials	SHORT-TERM	Planning Board	Planning Department
5M	Improve telecommunication and technology systems			
5M3	Ordinance amendments	SHORT-TERM	Planning Board	Planning Department
5M5	Map scenic vistas	SHORT-TERM	Planning Board	Planning Department

Definition of terms and abbreviation

- Ongoing:** Commence upon ratification and are consistent operations throughout the next decade.
- Short-Term:** Commence or to be completed in the first 2 to 4 weeks after the Plan is ratified. These are high priority or require immediate attention.
- Mid-Term:** Commence or to be completed with 4 to 7 years after the plan is ratified
- Long-Term:** Commence or to be completed in the 7 to 10 year after the plan is ratified.



Town of Bar Harbor Planning & Code Department

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CB: Chamber Board
CC: Conservation Commission
HC: Harbor Committee
HM: Harbor Master
HS: Historical Society
MRC: Marine Resources Committee
PB: Planning Board
PD: Planning Department
PW: Public Works
PRC: Park & Recreation Committee
TC: Town Council
TM: Town Manager