

Meeting Minutes
Bar Harbor Planning Board
Wednesday, January 4, 2023 at 4:00 PM
Council Chambers — Municipal Building — 93 Cottage Street

I. CALL TO ORDER

Chairperson Millard Dority called the meeting to order at 4:00 PM. Planning Board members present were Chairperson Dority, Vice-chairperson Ruth Eveland, Secretary Elissa Chesler, and members Earl Brechlin, Zach Soares, Joe Cough, and Cali Martinez.

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

II. ADOPTION OF THE AGENDA

Vice-chair Eveland made a motion to adopt the agenda as prepared, and Ms. Martinez seconded the motion. The motion then carried unanimously 7-0.

III. EXCUSED ABSENCES

There were none.

IV. PUBLIC COMMENT PERIOD

The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda nor on a pending application before the board, with a maximum of 3 minutes per person.

As there was no public comment, the public comment period was opened and closed at 4:04 PM.

V. APPROVAL OF MINUTES

- a. December 7, 2022

Vice-Chair Eveland made a motion to table the December 7, 2022 minutes to the February meeting. Mr. Cough seconded the motion, which carried unanimously 7-0.

VI. REGULAR BUSINESS

- a. **Public Hearing — Draft Warrant Article — LAND USE ORDINANCE AMENDMENT — Double Setback Distances** — Shall an ordinance, dated December 8, 2022, and entitled “An amendment to remove the double setback distances” be enacted?

Code Enforcement Officer Angela Chamberlain read information she’d prepared on the subject.

Chairperson Dority opened the public hearing at 4:08 p.m. Patricia Samuel said she was delighted to see the removal of the language, and said it seemed the Board had come full circle in its thinking. She referenced a housing proposal from several years ago that was “thrown out the window” due to concerns about density, and she was glad to see the Board being more sensible. Seeing no one else indicating a desire to speak, the public hearing was closed at 4:10 p.m.

Staff Planner Fuller asked whether the Board needed to take any action. Code Enforcement Officer Chamberlain responded that no action was needed other than holding the public hearing.

- b. Public Hearing — Draft Warrant Article — LAND USE ORDINANCE AMENDMENT — Floor Area Ratio** — Shall an ordinance, dated December 8, 2022, and entitled “An amendment to remove the Floor Area Ratio requirement” be enacted?

CEO Chamberlain read information she’d prepared on the subject. She noted that because the standard is not fixed, it’s constantly changing and is fairly cumbersome to calculate.

Chairperson Dority opened the public hearing at 4:15 p.m. Patricia Samuel rose to speak. She asked what kind of housing the Board was trying to encourage by removing this standard. She supported removing the standard.

Member Brechlin offered that this standard is just another bureaucratic impediment to someone starting a project. He added that he didn’t know what it attempted to do, but with the economics involved in construction and return on investment, making it unfair. Other standards cover this, he said, and make it superfluous.

Patricia Samuel asked whether this would encourage the construction of smaller buildings. Member Brechlin wasn’t sure.

Member Cough noted that procedure was to refer questions to the chair, rather than get caught in a back and forth.

Erica Brooks spoke and expressed her support for this amendment and said it wasn’t doing its job but only causing wasted time for staff and in general. Erica Brooks expressed her support of the removal of the double setbacks as proposed in the previous agenda item.

Erin Cough spoke next. She added that one of the things these kinds of ordinances really discourage is mixed use. This starts to encourage larger and larger buildings to reach maximum capacity, she said, rather than mixed use.

Planning Director Gagnon said that a floor area ratio is typically used on a lot, not applied district-wide. This is a complex formula and way to look at things, she said, and a developer’s ability was contingent on what was happening next door. “That’s not a confidence-builder standard,” she said. It’s seen as a way to control density and lot coverage, but the town has lot coverage and performance standards. It doesn’t need to be there to accomplish the vision for the district, she said, and staff would like it to be deleted from the ordinance for that reason.

The Chair closed the public hearing at 4:20 p.m.

- c. **Public Hearing — Draft Warrant Article — LAND USE ORDINANCE AMENDMENT — Conversion to Multifamily Use** — Shall an ordinance, dated December 8, 2022, and entitled “An amendment to remove the Conversion to Multifamily Use Requirements” be enacted?

Chairperson Dority read the ordinance. CEO Chamberlain read information she’d prepared on the subject. The public hearing was opened at 4:24 p.m. Patricia Samuel spoke. She said she supported the amendment and asked what kind of housing the Board was trying to encourage.

Secretary Chesler said all of these changes allow more infill development where there is sewer and water which will make it easier to put in a variety of housing. She saw them as functioning in concert with other housing policy changes that have been adopted.

Chairperson Dority said the Board would be analyzing other dimensional requirements as well, and that it would be a combined issue - no single item will solve every housing issue, he said, but the Board is hoping to make it easier to provide a variety of housing.

This should make the playing field fairer for people, said Chairperson Dority. The public hearing was closed at 4:28 p.m.

- d. **Public Hearing — Draft Warrant Article — LAND USE ORDINANCE AMENDMENT — Underground Utilities** — Shall an ordinance, dated December 8, 2022, and entitled “An amendment to remove the requirement that all utilities be installed underground” be enacted?

CEO Chamberlain read information she’d prepared on the subject.

Chairperson Dority opened the public hearing at 4:30 p.m.

Member Brechlin noted that installing utilities underground can provide protection from storm damage but they can also be more difficult to fix and rectify if there’s major damage.

Chairperson Dority noted that two comments related to this amendment had been received by the Board. He also added that the Board typically waives the requirement to have utilities buried.

Planning Director Gagnon noted that because this is routinely waived, it’s not an exception, and only adds additional costs to the project.

Chairperson Dority closed the public hearing at 4:35 p.m.

- e. **Review of Project for Eligibility under Minor Site Plan Review**
i. **Hamilton Hill — lot line shift**

- **Property owner/applicant:** Scott Henggeler and Melisa Rowland
- **Property location:** Hamilton Hill Way
- **Zoning district:** Village Residential
- **Proposed project:** To shift a lot line in an approved subdivision

Assistant Planner Steve Fuller gave a summary of the memo provided to the Board and explained the history of the subdivision.

Member Martinez moved that the proposed project by Scott Henggeler to shift a lot line between Lot 26 and Lot 27 in the Hamilton Hill subdivision (Tax Map 107, Lot 001-026 and Tax Map 107, Lot 001-027 respectively) is suitable and appropriate for minor subdivision review under the criteria of the following sections of the Bar Harbor Land Use Ordinance: 125-58 B. (1), 125-58 B. (4) and 125-76 A. Member Brechlin seconded the motion and the Board voted to unanimously approve the motion.

VII. OTHER BUSINESS

a. Electronic submittals and Planning Board Rules of Procedure (bylaws) – Staff

Staff Planner Fuller gives an update on the modifications to the Rules of Procedure and it was decided that staff would bring back an official strikethrough/underline version in February.

b. Comprehensive Plan Update – Elissa Chesler/staff

Secretary Chesler gave an update and Planning Director Gagnon spoke to the process, the consultants and the need for an extension to complete the project. Vice-Chair Eveland spoke about the need for data to make decisions.

VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

No projects were noted.

X. ADJOURNMENT

At 5:01 PM, Member Cough made a motion to adjourn the meeting. Member Brechlin seconded the motion, which then carried unanimously (7-0) on a roll-call vote.

Minutes approved by the Bar Harbor Planning Board on March 1, 2023:



Elissa Chesler, Secretary,
Bar Harbor Planning Board



Date