

Meeting Minutes
Bar Harbor Planning Board
Wednesday, March 1, 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 and Code Enforcement Officer Angela Chamberlain.

II. ADOPTION OF THE AGENDA

Secretary Chesler made a motion to adopt the agenda as prepared, and Vice Chair Eveland 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.

There was none.

V. APPROVAL OF MINUTES

- a. December 7, 2022
- b. January 4, 2023

Member Cough made a motion to approve the December 7, 2022 minutes as prepared. Member Brechlin seconded the motion and Board voted 7-0 to approve the motion.

Member Cough made a motion to approve the January 4, 2023 minutes as prepared. Member Martinez seconded the motion and the Board voted 7-0 to approve the motion.

VI. REGULAR BUSINESS

- a. **Sketch Plan Review for SD-2023-01 Harbor Lights Subdivision**

Applicant/Owner: Christopher Maller Trustee, 18 Hamor Lane, Bar Harbor, Maine 04609

Application: Create 10 single-family lots on 19 acres of land located in the Hulls Cove Residential and Hulls Cove Rural districts.

Project Location: 18 Hamor Lane (Tax Map and Lot number: 216-050-000), encompassing a total of 58.7 acres.

Districts: Shoreland Limited Residential, Hulls Cove Residential Corridor, Hulls Cove Rural, Resource Protection and Ireson Hill Residential.

Chair Dority disclosed that he has worked on other projects with this applicant's representative, Greg Johnston but didn't feel that he had a conflict of interest.

Secretary Chesler moved to find that Chair Dority does not have a conflict of interest. Member Martinez seconded the motion and the Board voted 6-0-1 to approve the motion with Chair Dority abstaining.

Mr. Johnston added that he had no objection to Chair Dority's participation.

Greg Johnston was present as representative to the owner and he gave a brief overview of the project. Mr. Johnston noted that Mr. Maller will continue to use Hamor Lane to access his property and his personal dwelling but all the other lots will be accessed by the new private road.

Member Brechlin asked if this was the property that had been previously approved as a retirement community. Mr. Johnston stated that it was and he would be working with legal counsel to formally dissolve the subdivision.

Member Martinez asked how long the sidewalk would extend and whether it would be located on both sides of the new road. Mr. Johnston demonstrated on the plan where the sidewalk would end and stated that it was only proposed on one side.

Member Cough asked what the distance was between Hamor Lane and the new road. Mr. Johnston noted it was approximately 280'.

Member Brechlin asked if the addition of the cul de sac was to address the ordinance requirement of having two means of egress. Mr. Johnston said that was the intent.

The Chair opened the discussion for public comment at 4:12 pm, no one commented.

Vice-Chair Eveland moved not to act on subdivision waiver requests for SD-2023-01 Harbor Lights 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 requests at the completeness review meeting creating confusion, and as the Board has provided guidance to the applicant on the waiver requests. Secretary Chesler seconded the motion and the Board voted 7-0 to approve the motion.

Vice-Chair Eveland moved to request staff schedule a site visit. Member Martinez seconded the motion and the Board voted 7-0 to approve the motion.

Mr. Johnston added that applicant is not considering a neighborhood meeting at this time, but will be contacting abutters directly and would hold a neighborhood meeting if it became clear one was necessary. The Board agreed, citing no public was present at this meeting, and there was very little public participation for the prior application at this site which was a more intensive development.

- b. **Sketch Plan Review for SD-2023-02 Bar Harbor Realty LLC Subdivision**
Applicant: Bar Harbor Realty LLC, Rob Desimone, P.O. Box 80, Bar Harbor, Maine 04609
Owner: Bar Harbor Realty LLC, 59 Kebo Street Bar Harbor, Maine 04609
Application: Create five lots on 3.66 acres of land to include four residential lots and the remainder of land.
Project Location: 59 Kebo Street (Tax Map and Lot number: 107-023-000), encompassing 3.66 acres.
Districts: Village Residential District.

Greg Johnston gave a brief overview of the project. He explained that part of the project would be to extend the town sewer 200' to the site, town water access was existing, and all the driveways entrances would be on Kebo Street.

Secretary Chesler asked if the 50' right of way was to access lot 5. Mr. Johnston answered that it was to provide the required road frontage for lot 5.

Member Brechlin asked if lot 5 could be developed with multiple dwelling units. Mr. Johnston estimated that the ordinance allows approximately 12-13 dwelling units on a lot of that size.

Chair Dority opened the discussion for public comment at 4:25, no one spoke.

Vice-Chair Eveland moved not to act on subdivision waiver requests for SD-2023-02 Bar Harbor Realty 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 requests at the completeness review meeting creating confusion, and as the Board has provided guidance to the applicant on the waiver requests. Member Martinez seconded the motion and the Board voted 7-0 to approve the motion.

Member Brechlin moved that a neighborhood meeting is not necessary at this time. Member Martinez seconded the motion and the Board voted 7-0 to approve the motion.

Vice-Chair Eveland moved to request staff schedule a site visit. Member Martinez seconded the motion and the Board voted 7-0 to approve the motion.

- c. **Minor Subdivision Plan Modification – MSD-2023-01 Hamilton Hill Lots 26 & 27**
Applicant/Owner: Scott W. Hengglar and Melisa D. Rowland, 117 West Street, Bar Harbor, Maine 04609/Scott W. Hengglar Trustee
Application: Shift the lot line between lot 107-001-026 and 107-001-027 thirty (30) feet to the west.
Project Location: 91 Hamilton Hill (107-001-026 and 107-001-027), encompassing 0.89-acre and 0.84-acre of land, respectively.
Districts: Village Residential District

Planning Director Gagnon explained the project and the process for minor subdivision approval.

It was noted that the date listed on page 3 of 3 in the “Recommendation for Endorsement and Decision” document was incorrectly noted as March 1, 2022 and should be March 1, 2023. In addition, Secretary Chesler pointed out on page 1 of 3, the date under 1 H. was February 23, 202 and should be February 28, 2023. Planning Director Gagnon noted those two corrections would be made.

Vice-Chair Eveland moved that per 125-61 G. (4), the Planning Board approves the Planning Director’s recommendation for endorsement of MSD-2023-01 as presented in the decision, including the conditions listed which are necessary to ensure compliance with the requirements of the Bar Harbor Land Use Ordinance. Member Brechlin seconded the motion and the Board voted 7-0 to approve the motion.

VII. OTHER BUSINESS

a. Planning Board Rules of Procedure, next step

Planning Director Gagnon updated the Board that the proposed changes were available to the public for viewing and public notification was made as required in the rules.

b. Comprehensive Plan Update – Elissa Chesler/staff

Secretary Chesler noted that the committee was now discussing the housing study and would be sharing the results.

VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA

Secretary Chesler asked if the Board might consider circling back to projects that they had started but had not finished, now that there were no new applications pending. She cited examples of the PUD work the Board began and a discussion on solar.

Planning Director Gagnon explained that the Planning staff was still short one person at this time and current projects being worked on were, LD 2003, an amendment to transient uses (including

reviewing definitions, level of approval, districts where the uses are allowed, and parking requirements), and the Design Review Board amendment currently underway. She noted that she couldn't commit to any additional projects but assured that Board that these discussions were in the Planning office work plan for future work.

Chair Dority noted that he had been watching all the budget meetings and heard all the discussion around the school needs, and the necessary town infrastructure improvements and was concerned that with the rising taxes, there would never be affordable housing.

Chair Dority also announced that this would be Member Martinez's last meeting on the Planning Board as she was joining the Planning Department as Staff Planner. He thanked her for her work on the Board. Planning Director Gagnon expressed her excitement for Member Martinez to be joining her department.


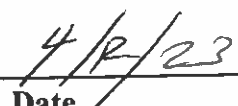
IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

No projects were noted.

X. ADJOURNMENT

At 4:52 PM, Member Cough made a motion to adjourn the meeting. Vice-Chair Eveland seconded the motion and the Board voted 7-0 to approve the motion

Minutes approved by the Bar Harbor Planning Board on April 5, 2023:

	
_____ Elissa Chesler, Secretary, Bar Harbor Planning Board	_____ Date