

**Meeting Minutes**  
**Bar Harbor Planning Board**  
**Wednesday, April 5, 2023 at 4:00 PM**  
Council Chambers — Municipal Building — 93 Cottage Street

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**I. CALL TO ORDER**

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

Town staff present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, and Staff Planner Cali Martinez.

**II. ADOPTION OF THE AGENDA**

**Secretary Chesler made a motion to adopt the agenda as prepared, and Member Brechlin seconded the motion. The motion then carried unanimously 5-0.**

**III. EXCUSED ABSENCES**

Chair Dority was an excused absence.

**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. March 1, 2023

**Member Brechlin made a motion to approve the March 1, 2023 minutes as prepared. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion.**

**VI. REGULAR BUSINESS**

- a. Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 13, 2023, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2022 and entitled “An amendment to remove the double setback distances.”

*Member Brechlin moved that the Planning Board recommend that the amendment entitled "An amendment to remove the double setback distances" ought to be adopted. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion.*

- b. Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 13, 2023, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2022 and entitled "An amendment to remove the Floor Area Ratio requirement."

*Member Brechlin moved that the Planning Board recommend that the amendment entitled "An amendment to remove the Floor Area Ratio requirement" ought to be adopted. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion.*

- c. Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 13, 2023, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2022 and entitled "An amendment to remove the Conversion to Multifamily Use Requirements."

*Member Brechlin moved that the Planning Board recommend that the amendment entitled "An amendment to remove the Conversion to Multifamily Use Requirements" ought to be adopted. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion.*

- d. Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 13, 2023, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2022 and entitled "An amendment to remove the requirement that all utilities be installed underground."

*Member Brechlin moved that the Planning Board recommend that the amendment entitled "An amendment to remove the requirement that all utilities be installed underground" ought to be adopted. Secretary Chesler seconded the motion and the Board voted 5-0 to approve the motion.*

- e. Planning Board Rules of Procedure Amendment — Public comment and possible motion to adopt changes.

*Secretary Chesler moved to adopt the amended language as presented. Member Soares seconded the motion and the Board voted 5-0 to approve the motion.*

## **VII. OTHER BUSINESS**

- a. Introduction to possible Land Use Ordinance amendments to lodging uses.

CEO Chamberlain gave an introduction to the work she was preparing, including an explanation of the history of the inclusion of 19 separate types of transient lodging uses in the Land Use Ordinance. She outlined areas of the ordinance that she hoped to gather feedback from the Board

to guide the drafting of new ordinance language. Secretary Chesler suggested that the Board discuss each area one-by-one.

CEO Chamberlain asked if the Board thought the number of guest rooms was important to include in the definitions and standards. Secretary Chesler explained that because suites were becoming more and more popular, she thought it was important to measure the type of lodging by a fixed number of rooms. Member Brechlin also agreed and felt that the zoning and areas of allowed use was important and could be regulated through that number. Vice-Chair Eveland added that impacts to neighborhoods and street were important to consider, and Member Cough noted that he'd like to see control over lodging traffic using residential streets for access.

CEO Chamberlain asked the Board if there should be parking standards for all lodging uses. It was the overall consensus of the Board that there should be parking requirements for all lodging uses.

CEO Chamberlain asked the Board if the year the structure was built was an important component to the definitions for lodging. The Board seemed to agree that the year the structure was built was probably not necessary for future definitions but was interested to see where those requirements came from, particularly from amendments approved in June 2010 and 1986.

CEO Chamberlain asked the Board if there should be expansion limitations on lodging buildings, outside of the restrictions for nonconformity. It was the consensus of the Board that they did not see a benefit to restricting future expansions of buildings, particularly if the expansion was necessary to provide ADA compliance or life safety improvements to a structure.

CEO Chamberlain asked if the Board felt that site plan review should be required for all new and expanded lodging uses. Member Cough stated that he did not think it was necessary across the board and would like to see the approval requirements tied to something else such as, scale or square footage. Other board members agreed.

CEO Chamberlain asked if there were other standards that should be considered. Member Brechlin noted that he wanted to see B&B uses owner-occupied rather than managed by designated employee. He had heard public concerns over the way the B&B use was being applied and not the traditional way of a year-round owner opening their house up for guests. Other members agreed and suggested that consideration be given to meals, number of meals, whether food is offered to the general public, etc.

CEO Chamberlain thanked the Board and stated that this discussion was helpful to get started. Vice-Chair Eveland asked what the next steps were and CEO Chamberlain offered to try to bring back first draft language to the next meeting, but it may be the following meeting, depending on what other pressing items were on the Code Office's priority list.

- b. Introduction to possible Land Use Ordinance amendments to expand the number of zoning districts where Employee Living Quarters and Shared Accommodations (1-3) are allowed.

Planning Director Gagnon explained that there had been a request to consider expanding the ELQ and SA uses to accommodate farms and their housing needs. She noted that the Planning Office would be revisiting those uses to see where expansions of the use were appropriate and hoped to have language for a November 2023 vote.

c. Comprehensive Plan Update — Elissa Chesler/staff

Secretary Chesler gave a brief update on the status of the Comprehensive Plan work.

**VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA**

There were none.

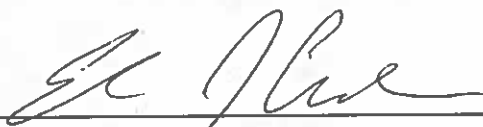
**IX. REVIEW OF PENDING PLANNING BOARD PROJECTS**


Planning Director Gagnon stated that the two subdivisions that the Planning Board had recently done site visits for would be returning for completeness at some point, and a checklist had been done for a TA-2 application.

**X. ADJOURNMENT**

At 5:10 PM, Member Cough moved to adjourn the meeting. Member Brechlin seconded the motion and the Board voted 5-0 to approve the motion

Minutes approved by the Bar Harbor Planning Board on May 3, 2023:

  
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Elissa Chesler, Secretary,  
Bar Harbor Planning Board

  
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Date 5/3/2023