

**Meeting Minutes**  
**Bar Harbor Planning Board**  
**Wednesday, July 6, 2022 — 4:00 PM**  
**Council Chambers — Municipal Building — 93 Cottage Street**

**I. CALL TO ORDER**

**Chairperson St. Germain called the meeting to order at 4:00 PM.** Planning Board members present were Chairperson Tom St. Germain, Vice-chairperson Joe Cough, Secretary Millard Dority, and members Ruth Eveland, Earl Brechlin and Zachary Soares. Member Elissa Chesler was absent, due to illness.

Town staff members present for the meeting were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Mike Gurtler and Assistant Planner Steve Fuller.

**II. ADOPTION OF THE AGENDA**

**Secretary Dority moved to adopt the agenda, and Mr. Brechlin seconded the motion. The motion then carried unanimously, 6-0, on a roll-call vote.**

**III. EXCUSED ABSENCES**

Chairperson St. Germain noted that Ms. Chesler had emailed earlier that day asking to be excused. It was determined no motion or vote was necessary to excuse Ms. Chesler.

**III. 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.*

**Chairperson St. Germain opened the public comment period at 4:01 PM.** No one present indicated a desire to speak; **the public comment period was closed at 4:02 PM.**

**IV. APPROVAL OF MINUTES**

- a. June 1, 2022

**Secretary Dority moved to approve the minutes. Mr. Brechlin seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

**VI. REGULAR BUSINESS**

- a. **Public Hearing and Completeness/Compliance Review for Site Plan SP-2022-05 — JAX Lot B Access Project**

**Applicant/Owner:** The Jackson Laboratory (JAX), 600 Main Street, Bar Harbor, ME 04609

**Application:** The proposed project consists in the relocation of the access driveway to parking Lot B located on the west side of Main Street (Route 3) across from JAX. This

relocation will separate the pedestrian traffic access crossing Route 3 from the main vehicular traffic entering and leaving the parking lot, improving pedestrian safety. The proposed access driveway is located approximately 250 feet north of the existing driveway. A new right turn-lane on Route 3 with a raised landscaped island will be installed for southbound traffic access to the parking lot. The existing right-turn lane and driveway pavement will be removed to provide additional landscaped area with sidewalk access between the parking lot and Route 3. A portion of this area will remain paved as a sidewalk to bring pedestrians from the parking area to the existing signaled Route 3 pedestrian crossing.

**Location:** The property is located across from the JAX campus (600 Main Street/Route 3) and known as Tax Map 115, Lot 21. The parcel encompasses a total of ±35.76 acres, according to town tax records.

**District:** Scientific Research for Eleemosynary Purposes

John Scheckel, project manager with JAX, and engineer Sarah Nicholson from Woodard & Curran were present. Mr. Scheckel gave an overview of the project.

Vice chairperson Cough worried that providing the new turn lane will increase traffic speed, even though it is north of the crosswalk. This has nothing to do with the application, he said, but he wanted to comment on it. Mr. Scheckel said JAX had been in discussions with the town for a traffic-calming plan for Route 3 that would likely be presented in the future to town staff. The lab is thinking about how to slow traffic through that corridor.

The material indicates a second meeting with town staff, said Secretary Dority, who asked if there was anything the applicant wanted to share from that meeting. There was some concern that proposed plantings would be too tall and block traffic, said Mr. Scheckel. That is still evolving. Secretary Dority urged the applicant to plant something deer don't like.

**Secretary Dority moved to find application SP-2022-05 — JAX Lot B Access Project complete per Bar Harbor Land Use Ordinance §125-66 as the Police Department capacity letter, parking counts, certificate of appropriateness for sign from the Design Review Board were submitted, as requested by the Planning Board on June 1, 2022, and as the capacity letters from the Public Works, Water and Sewer Departments, the amended Site Plan of Development permit from the Maine Department of Environmental Protection and the entrance permit from the Maine Department of Transportation are proposed as conditions of approval. Mr. Brechlin seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

**Chairperson St. Germain opened the public hearing at 4:15 PM. No one present indicated a desire to speak. Chairperson St. Germain closed the public hearing at 4:15 PM.**

Vice chairperson Cough asked about the expected turnaround of the memorandum of understanding (MOU). The MOU is currently being reviewed by the town, said Mr. Scheckel. JAX has agreed to maintain the landscaped island and to plow the slip lane.

There was a question about the Water Department and Sewer Department capacity letters. Planning Director Gagnon said those should be struck from the motion, as there are no water and sewer changes for this project. **Secretary Dority withdrew his motion. Mr. Brechlin withdrew his second.**

**Secretary Dority moved to find application SP-2022-05 — JAX Lot B Access Project complete per Bar Harbor Land Use Ordinance §125-66 as the Police Department capacity letter, parking counts, certificate of appropriateness for sign from the Design Review Board were submitted, as requested by the Planning Board on June 1, 2022, and as the capacity letters from the Public Works Department, the amended Site Plan of Development permit from the Maine Department of Environmental Protection and the entrance permit from the Maine Department of Transportation are proposed as conditions of approval. Mr. Brechlin seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

**Mr. Brechlin moved to approve the application SP-2022-05 — JAX Lot B Access Project per the decision dated July 6, 2022 as it meets the standards of the Bar Harbor Land Use Ordinance §125-67, with the following conditions of approval: capacity letter from the Public Works Department, the amended Site Location of Development permit from the Maine Department of Environmental Protection, and the entrance permit from the Maine Department of Transportation are to be provided to the code enforcement officer prior to permits being issued. Secretary Dority seconded the motion, which then carried unanimously (6-0) on a roll-call vote.**

**b. Completeness Review for Site Plan SP-2022-02 — Bar Harbor Community Solar**  
**Applicant/Owner:** Bar Harbor Community Solar, LLC, 6 Balsam Circle, New Harbor, Maine 04554

**Application:** To develop a large-scale (10.5 acres) ground-mounted solar energy system providing approximately 1.99 megawatts of power to the electrical grid.

**Project Location:** Off of Knox Road (Tax Map 220, Lot 67), encompassing a total of ±57.5 acres, according to town tax records

**Districts:** Town Hill Rural District, Shoreland Limited Residential and Resource Protection  
Chris Beyers and Rebecca Stanley were present, in person, representing the applicant. Mr. Beyers said minor changes had been to the site plan, moving the gate closer to the road and changing the fence fabric to black.

Attorney Andy Hamilton of Eaton Peabody was present as an outside expert to discuss shoreland zoning. Mr. Hamilton began by discussing the different types of wetlands. In this case, we're

dealing primarily with forested wetlands, said Mr. Hamilton. He read a definition of forested wetland and discussed where the upland edge of a freshwater wetland is located.

This application has a more conservative definition of where the boundary begins, said Mr. Hamilton, which would place the wetland boundary closer to the project. We think there's a tenable basis to move that back in this case, said Mr. Hamilton, reading from a prepared memo. "In other words, they've got more room than what they presupposed they have," said Mr. Hamilton. "That may affect their ability to stay away from abutters a little bit more."

There are two different setbacks, said Mr. Hamilton. Generally, the setback is 75 feet from the upland edge of a freshwater wetland. Where it's dominated by forested wetland it's a 25-foot setback. That's important because if you're within 25 feet of a forested wetland you can have no cleared openings great than 250 feet within the forest canopy and the selective cutting of vegetation has to maintain a well-distributed stand of trees over 10 years as defined in the Land Use Ordinance. Attorney Hamilton also spoke about basal area, and referenced former Planning Board member Basil Eleftheriou prompting chuckles from those in attendance.

The property in this application contains more than one shoreland zone type, said Mr. Hamilton. Some clearing will be done in the shoreland zone. The application states that less than 25% of aggregate shoreland area on property will be cleared. Mr. Hamilton offered the opinion that the clearing and selective cutting standards are met by the application.

Amy Bell Segal, senior landscape architect at Sebago Technics and present via Zoom, presented a review of the proposed landscape buffer plan and visualizations in relation to the ordinance. She said the landscape buffer plan was a little bit insufficient in order to meet the ordinance — the evergreens should be more of a double row than single row and some of the plant material was slightly smaller than specified. Adding more evergreen and increasing the size of the buffer would, in time (likely in the five-year time frame), be an effective screen, said Ms. Bell Segal.

Additional buffering would likely be necessary for the Stanley property, which would be the most impacted, said Ms. Bell Segal. The visualization from viewpoint three (in the Stanley property looking toward the project) was "slightly misleading" in that it didn't 100 percent reflect the conditions, she stated.

Ms. Bell Segal said she liked the deciduous trees in the buffer plan, which will grow faster. It should just be a bit thicker. They're fine species they just need to increase the number, she added, not getting rid of the deciduous trees but adding some in. It's important to "beef up" the buffer between the Stanley property because there's no understory, said Ms. Bell Segal, who went through several slides and showed the Board what she meant. Some visualizations need to be redone because they suggest certain vegetation will remain when in fact it will not. She had no concerns about Fern Meadow Drive or Viewpoint 4, she informed the Board.

Jody Dube O'Neal of the James Sewall Company in Bangor was present in-person and presented on stormwater. Based on the Land Use Ordinance, the panels would be exempt from lot coverage calculations, said Ms. O'Neal. As for stormwater calculations, Bar Harbor allows an applicant to exceed pre-development runoff flows by 10%. The applicant would be within that 10%, said Ms. O'Neal, but there are some things that may alter their calculations and should be considered. The soil group acreages didn't match from pre- and post-development; that could potentially change the runoff, she said. She noted a potential typo in the slope of the 36-inch culvert, which says 10 inches but should be more like 1 or 2 inches, said Ms. O'Neal.

Ms. O'Neal explained some of the other aspects of the peer review. Adding riprap protections and stormwater velocity to the plans would be helpful, she said. The applicant should also confirm there are no public sewer systems nearby.

Janine Murchinson of the James Sewall Company was present via Zoom and presented on the decommissioning plan. In general the decommissioning plan included information that "meets the requirements of the town ordinances," said Ms. Murchinson. It meets industry standards, she said, although a line item should be added for overhead cable removal. The team double-checked the math and agreed with the values presented. The total estimated cost of \$81,712, however, was thought to be low, said Ms. Murchinson, in part because of disassembly of solar components and trucking costs. The costs of those would exceed the amount provided by the applicant. Restoring disturbed areas would also likely cost more than provided in the report.

Mr. Brechlin asked whether, if the array were to be disconnected, it would trigger the decommissioning plan. The decommissioning plan kicks-in in one year, said Planning Director Gagnon, not just at the end of the useful life of the project. It includes any other situation that may arise — if they go bankrupt or decide to stop. That is called for in the ordinance, she said.

Planning Director Gagnon suggested giving the applicant a chance to respond to the peer review presentations.

Mr. Beyers said the applicant's understanding was that, in determining rules and regulations that apply under shoreland, the upland edge is what they're focused on. Mr. Beyers pulled up a presentation to show the Board the boundaries they have been working with.

"We're very open to adding trees," said Mr. Beyers, although we don't want to add too many trees so they don't crowd out or too many tall trees that require a lot of water and may not survive. "We're really focused on the Stanley property," said Mr. Beyers. The visualizations are for illustrative purposes, he said, and our intent is certainly not to be misleading. I don't think we need to re-perform the impact study, he said, as we're already very focused on a solution.

The memo provided to the Board with regard to the third-party stormwater review was brief, said Mr. Beyers, as the applicant got it without a lot of time “to provide a meaningful response.” The applicant is open to providing more detail on the plans, said Mr. Beyers.

The Sewall memo was a good thorough review of the project, said Chris MacDonald of BH2M, which has been working with the applicant. “We don’t expect many significant changes” said Mr. MacDonald. In general the project meets the intent, and “we’ll take a detailed look to make sure we address all these comments.”

Regarding decommissioning, Mr. Beyers, it would be no problem to adjust some of the values and add an amount for overhead line removal. The applicant would provide an adjusted decommissioning plan, he said.

Chairperson St. Germain opened the meeting for public comment. Vice chairperson Cough suggested limiting comment to elements presented today. Chairperson St. Germain concurred. Sarah Stanley, a direct abutter, spoke about buffering. Solar arrays have recently been added to many districts, said Ms. Stanley, and perhaps it wasn’t “really looked at whether they’re considered a commercial use or a residential use.” These are both residential districts, said Ms. Stanley, but this seems like a commercial use, rather than a residential one, and “it would be great if the buffer were more than 20 feet, especially when there appears to be language in the current Land Use Ordinance asking for increased buffers when you have a trailer park abutting a residential neighborhood, and that seems more residential than a solar array.” Ms. Stanley said if there was any way for there to be an increased buffer “that would be nice.”

When language for the solar use was drafted, said Planning Director Gagnon, there was specific language pertaining to visual impact, particularly for abutters, requiring an applicant to provide buffers. She said the hope is that language would be above and beyond what was in §125-67.

Angie Chamberlain, speaking not as the Code Enforcement Officer but rather as a private citizen because she is an abutter to the project, asked a procedural question. If this will be scheduled for a public hearing on August 4, 2022 it would be helpful to establish when additional materials will be received, said Ms. Chamberlain. The new plan is difficult to read, said Ms. Chamberlain. An updated one in color that is easily legible would be nice to have in advance for interested parties to have time to review.

Planning Director Gagnon explained typical submittal schedules. In this case, “everybody was struggling” — it was difficult to find qualified, neutral expert reviewers, said Planning Director Gagnon. But staff will hold the applicant to the usual deadlines. Material will be in by July 14, 2022, said Planning Director Gagnon. The Board reviewed submission requirements. Expert submissions have been received as asked, said Chairperson St. Germain.

**Secretary Dority moved to find application Plan SP-2022-02 — Bar Harbor Community Solar complete per Bar Harbor Land Use Ordinance §125-66 and §125-69 Z (although the capacity letter from the Public Works Department is missing, as this is beyond the control of the applicant) and to schedule a public hearing on August 3, 2022. Ms. Eveland seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

Planning Director Gagnon noted that the Board still has the option for expert assistance, although she didn't think any additional assistance would be required. Staff will work with the applicant in responding to the comments and providing revised information for compliance review. Vice-chairperson Cough asked whether the applicant was prepared to meet the July 14, 2022 submission deadline in order to be on the August 3, 2022 agenda. Yes, said Mr. Beyers.

**c. Public Hearing and Completeness/Compliance Review Site Plan SP-2022-04 — River Church**

**Applicant:** The River Church, 1182 State Highway 102, Bar Harbor, Maine 04609

**Owner:** Pentecostal Lighthouse, 1184 State Highway 102, Bar Harbor, Maine 04609

**Application:** Renovation of the existing 4,922 square feet building and construction of a 7,078 square feet addition.

**Location:** The property is located 1182/1184 State Highway 102, Tax Map 235, Lot 3. The parcel encompasses a total of ±2.59 acres, according to town tax records.

**District:** Town Hill Residential Corridor

Paul Monyok, senior project engineer with Haley Ward of Bangor, was present to represent the applicant (Jody Patterson). Mr. Monyok gave an overview of changes since the Board last saw the application.

The new plan meets the parking requirement, although the additional parking will not be paved or striped. There will be buffering to shield headlights from view. The applicant is waiting for a permit from the state Fire Marshal, whose office is a "bit backed up" according to Mr. Monyok.

Ms. Eveland asked about plans for sewage disposal. How far to the edge of acceptability do you go with what currently exists before you decide you want to make the change? she wondered.

The existing septic is designed based on the Maine subsurface wastewater disposal rules, said Mr. Monyok. Being that this is a church, capacity is only met once a week; the other six days are far below capacity. The plan is to monitor the water for several months beginning in the fall. That information will be available prior to finalization of the project, said Mr. Monyok, and the applicant will then work with town staff before the certificate of occupancy comes in.

The Fire Department capacity letter has been received, said Planning Director Gagnon.

**Secretary Dority moved to find application SP-2022-04 — River Church complete per the Bar Harbor Land Use Ordinance §125-66 as the following information was submitted:**

recorded deed, capacity letter from the Police Department, the correct Maine Department of Transportation entrance permit, stormwater management plan, lot coverage, buffering and screening, photographs of trash disposal as requested by the Planning Board at the June 1, 2022 meeting, and as the capacity letter from the Public Works Department has not been received that will be a condition of approval. Ms. Eveland seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.

Chairperson St. Germain opened the public hearing at 5:35 PM. No one present indicated a desire to speak. Chairperson St. Germain closed the public hearing at 5:35 PM.

Secretary Dority complimented the applicant on pulling together all the requested missing information.

Secretary Dority moved to approve the application SP-2022-04 — River Church, per decision dated July 6, 2022 as it meets the standards of the Bar Harbor Land Use Ordinance §125-67 with the conditions of the capacity letter from the Public Works and Fire Marshal approval be submitted to the Code Enforcement Officer prior to issuance of permits and the size of the septic system be determined by the Code Enforcement Officer and with the following modification of standards: §125-67 D., parking for striping delineated only for spaces that are on the paved surface, and §126-67 H. (1), F. and G., buffering and screening in order to maintain site distance as it addresses the particular site characteristics and it does not alter or nullify the purpose or intent of the Land Use Ordinance. Ms. Eveland seconded the motion.

Chairperson St. Germain noted that the section should be §125-67 H. (1), F. and G, rather than §126-67 H. (1), F. and G. Secretary Dority modified his motion, and Ms. Eveland modified her second. The motion then carried unanimously, 6-0, on a roll-call vote.

**d. Sketch Plan Review for Subdivision SD-2022-06 – Natures Gift Subdivision**

**Applicant/Owner:** Kay and William Koplovitz Trustees, 1115 State Highway 3, Bar Harbor, Maine 04609

**Application:** To subdivide a 35.08-acre lot into four lots.

**Project Location:** 1115 State Highway 3 (Tax Map 213, Lot 5-1), encompassing a total of ±35.08 acres, according to town tax records

**Districts:** Shoreland Limited Residential and Town Hill Residential

Greg Johnston, an engineer representing the applicant, gave an overview of the project. The parcel is planned to be divided into an additional three lots: a 9-acre lot, a 20-acre lot and a 6-acre lot. The owners intend to build a home on one of the parcels; the other two new lots will be headed to market. A road heading to the peninsula will be the main access to avoid as much clearing as possible. The westerly area would be served by a driveway, said Mr. Johnston. “We



are employing a number of strategies of road versus driving” in an effort to minimize clearing and maintain privacy, he said.

The applicant has had a number of discussions with staff regarding the definition of parcel in the LUO, said Mr. Johnston, and the lot on the opposite side of the right-of-way will likely be deed-restricted as it has a limited envelope.

Mr. Brechlin asked a question about lot 1 and the western edge with a section along Route 3. Why is it being held in fee simple rather than as an easement? That was to have utilities not “follow you in,” said Mr. Johnston. “It’s solely as a means to bring the power in.”

There’s a test pit near lot 2 but not on lot 2, said Ms. Eveland. Soils work had not yet been completed, said Mr. Johnston, but that information will be provided.

**Chairperson St. Germain opened the public comment period at 5:46 PM. No one present indicated a desire to speak, so Chairperson St. Germain closed the public comment period at 5:46 PM.**

**Ms. Eveland moved not to act on the submission of waiver requests for SD-2022-06 – Natures Gift 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 Dority seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

**Secretary Dority moved to have staff schedule a site visit. Ms. Eveland seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

For full disclosure, said Planning Director Gagnon, staff received a phone call and formal comment regarding registered farmland in Bar Harbor. Although it has long been stated that there are no registered farmlands in Bar Harbor, it appears there may be, said Planning Director Gagnon. Staff are looking into it and will address it at the next meeting.

Assistant Planner Fuller explained there is a farmland classification — an assessing matter that gives a break on assessed value — and a state-designated farmland registration, which requires a deed to be filed and is more complicated. We do not believe the abutter has that latter type of registered farmland, said Assistant Planner Fuller.

The Board discussed potentially having a neighborhood meeting, if necessary. There are ways to communicate with the abutters, said Mr. Johnston. “If there are ways to make things better for all parties I’m always open to that,” he said.

**e. Sketch Plan Review for Subdivision SD-2022-03 – Shore Cottages at Park Entrance Motel Subdivision**

**Applicant:** Holiday Associates of Naples, 1000 Market Street, Building 1, Suite 300, Portsmouth, NH 03801

**Owners:** Parkent LLC, 1001 Atlantic Ave, Suite 202, Delray, FL 33483 and Holiday Associates of Naples, 1000 Market Street, Building 1, Suite 202, Portsmouth, NH 03802-0477

**Application:** To build seven dwelling units. Two units are proposed at 27 Ocean Avenue (Tax Map 223, Lot 13) which encompasses about two-thirds of an acre of land. Five units are proposed at 15 Ocean Avenue on the Park Entrance Motel lot (Tax Map 224, Lot 22) which encompasses ±8.02 acres of land.

**Project Location:** 27 Ocean Avenue and 15 Ocean Avenue, respectively Tax Map 223, Lot 13 and Tax Map 224, Lot 22, encompassing a total of ±8.75 acres, according to town tax records

**Districts:** Hulls Cove Business and Shoreland General Development II (Hulls Cove)

Perry Moore was present to represent the applicant. Vice-chairperson Cough said he has several endeavors in which he employs Mr. Moore's firm (none related to this application) and asked whether he should recuse himself.

**Secretary Dority moved that Vice-chairperson Cough should not recuse himself. Mr. Soares seconded the motion. The motion then carried unanimously, 5-0, on a roll-call vote, with Vice-chairperson Cough not voting.**

Mr. Moore gave an overview of the project, which will include a new private road. The end of the road will be a hammerhead to allow fire truck turning. The units will be rented consistent with what is allowed by the Land Use Ordinance, managed by an entity other than that managing the Park Entrance Motel. There are no changes to the Park Entrance Motel proposed as part of this application.

What kind of management entity will manage it? asked Mr. Brechlin. They will likely set up an LLC that can rent them "however they could be rented. By the month, by the week if that's allowed," said Mr. Moore.

This is a non-conforming property, said Ms. Eveland. There are allowances made for transient accommodations to expand, provided no additional guest rooms are added. This is not an expansion of the TA-8 use, said Mr. Moore. These are not new guest rooms, they are dwelling units. What is proposed in this application are not transient accommodations, he explained.

What is the current use of the existing building on site? Asked Member Brechlin. "My client has assured me they have the tax records to back this up that this has been used as a TA-8 continually since they purchased it," said Mr. Moore.

**Chairperson St. Germain opened the public comment period at 6:00 PM. No one present indicated a desire to speak, and Chairperson St. Germain closed the public comment period at 6:00 PM.**

**Secretary Dority moved not to act on submission waiver requests for SD-2022-03 – Shore Cottages at Park Entrance Motel 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. Vice chairperson Cough seconded the motion, which then carried unanimously, 6-0, on a roll-call vote.**

**Secretary Dority moved to have staff schedule a site visit. Mr. Brechlin seconded the motion. Mr. Moore offered that the applicant stake the corners of buildings and center line and driveway, which was agreeable to the Board. The motion then carried unanimously, 6-0, on a roll-call vote.**

Chairperson St. Germain asked whether a neighborhood meeting was necessary. Mr. Moore was concerned about the optics of not being inviting to the neighborhood and suggested that one be held. Vice chairperson Cough wondered if, in that case, the Planning Director could work with the applicant to coordinate this and Planning Director Gagnon said she was okay with that plan. Member Eveland asked for clarification. The town is not requesting it, said Planning Director Gagnon, but staff would likely sit in and hear comments. The Board would also be notified.

## **VII. OTHER BUSINESS**

### **a. Comprehensive Plan update - Elissa Chesler**

In Ms. Chesler's absence, Planning Director Gagnon gave an update. The Comprehensive Planning Committee continued last month working on the existing conditions analysis. There was a discussion on increasing engagement and outreach efforts, and staff have done their first paid Facebook post. "We saw immediately an increase in the Polco results," said Planning Director Gagnon. We'll be using that in the future, she added. Part of increased engagement and outreach is being present at several public events in the summer, leading up to public forums later in the fall. There will be two major forums in late October and early November, Planning Director Gagnon explained, similar in structure to Acadia National Park's forum on its transportation plan.

This has been a lot of work and we're ready to go more public, said Planning Director Gagnon, adding that she was struck by the ability of the consultant not only to synthesize census data but

really be able to verbalize some of the things unique to Bar Harbor. It's quite exciting, she said. There is a lot more focus on our relationship with the park, she said, as one example of the work.

Planning Director Gagnon asked Chairperson St. Germain if this was his last meeting. It is, said Chairperson St. Germain. "There's no way we can convince you otherwise?" she asked him.

Secretary Dority said he's only been on for a short period (during this tour of duty) but appreciates Chairperson St. Germain's leadership and knowledge of the LUO. Vice-chairperson Cough was grateful for Chairperson St. Germain's leadership. "The temperament has always been there, the organization's always been there, but I've seen a great growth in your knowledge and ability to run a meeting," he said. "There's a lot of people that may benefit from your style as chair...thank you for all your years of service here, and I'm sorry to see you go."

Chairperson St. Germain said he still enjoys it but it's time for him to do other things. "There is a lot of depth of knowledge of the LUO we'll have to work hard on," said Member Eveland. "I've enjoyed it all — almost all of it," said Chairperson St. Germain.

The Board thanked Chairperson St. Germain for his service. "The amount of knowledge we're losing with your departure cannot be captured," said Planning Director Gagnon. You were kind and respectful and knowledgeable, said Planning Director Gagnon. "It'll be a big loss," she said.

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

There were none.

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

JAX will likely come forward with its childcare plans, said Planning Director Gagnon. Staff have yet to hear back on the subdivision on Hadley Point Road where Greg Johnston is working with the applicant. She noted that Michael and Fayelle Anderson were all set after recently gaining approval.

Vice chairperson Cough said he hoped there's a vehicle drop-off for children at JAX rather than having to park across the street. There is one (a drop-off area), said Planning Director Gagnon.

Vice chairperson Cough asked why the Board takes a negative motion to not act on waiver submittals. "I don't think we need to do that," he said. Noted, said Planning Director Gagnon.

Vice-chairperson Cough voiced concern about capacity letters from staff often still being missing late in the Planning Board review process, which he said was not fair to applicants who then end up having conditions of approval relating to receipt of those letters. He tied this in to the

Technical Review Team (TRT) process, which he said had been billed as a way to make things more efficient but said he did not see it that way.

The TRT is helpful for the applicant and Board, said Planning Director Gagnon. The applicants don't have to come to the TRT meeting, said Planning Director Gagnon. She said she was doing her best to get the capacity letters but that all she could do was ask staff for them (repeatedly). Chairman St. Germain asked whether capacity letters are required under the Land Use Ordinance. He said it seemed strange the Board and applicants were often waiting for them.

The work load ebbs and flows for town departments, said Secretary Dority, and it must be quite difficult right now. He agreed it was very frustrating to tell every applicant they have to wait for capacity letters. It's one of those times you have to be a little bit more lenient, he said, although he understood the frustration.

The LUO requires the capacity letters to be provided for submission, which isn't feasible, said Planning Director Gagnon. Most of the time staff are looking at that application for the first time. Capacity letters are typically all set at completeness. "It puts me in a really hard position," said Planning Director Gagnon, because when they come late there is a lot to write in the staff report that she produces. She said it is something town staff can continue working on to improve.

Ms. Eveland asked if the Board could help by ensuring, via the Town Manager, that department heads provide letters in the timely fashion.

"I don't think it's fair to say that just because the capacity letters aren't received in a timely fashion the TRT is not valuable," said Code Enforcement Officer Chamberlain. Sometimes staff are waiting on applicants for information, she noted, and she echoed the heavy work load point.

#### **X. ADJOURNMENT**

**At 6:26 PM, Vice-chairperson Cough moved to adjourn. Secretary Dority seconded the motion, which then carried unanimously, 6-0, on a show-of-hands vote.**

**Minutes approved by the Bar Harbor Planning Board on August 3, 2022:**

08.03.22

Date

  
Millard Dority

Secretary, Bar Harbor Planning Board