

Report of the Warrant Committee

October 22, 2021

The Town of Bar Harbor Warrant Committee convened a full meeting on August 2, 2021. The rare summer session was required to review and vote on several warrants slated for the ballot of the November 2, 2021 Town Meeting. Following the recently enacted changes to the Bar Harbor Town Charter, this meeting marked the first session of the newly constituted 15-member Warrant Committee.

Pursuant to Article 2, Paragraph C of the Warrant Committee ByLaws, this report of that meeting was prepared with respect to the articles submitted to the Warrant Committee and its recommendations with respect to each.

Article 2: Bond Issue - Architectural and Engineering Design for the Connors Emerson School.

Article 2, a bond issue, proposes to raise \$3 million to fund to the procurement of architectural and engineering design plans in furtherance of a proposed rebuild of the Connors-Emerson school. Developing such plans constitutes phase 1 of a potential rebuild. Any of the bond proceeds not spent for the stated purpose will be applied to future phases of this proposed undertaking, if any, or towards maintenance and upkeep of the existing school facilities. Warrant Committee Member Robert Chaplin, a longstanding member of the Education Subcommittee, advised members that the Education Subcommittee strongly supported the proposed rebuild of the Connors-Emerson school. *The motion passed (14 in favor, 1 opposed, 0 abstain).*

Article 3: Land Use Ordinance Amendment – Signage

Article 3, a land use ordinance amendment, is a reworking of an amendment that was pulled from the previous Town Meeting in June due to Warrant Committee concerns about improper notice to the public and intrusion of neon signs into residential neighborhoods. The Planning Department and Design Review Boards then made several changes to improve the amendment, notably removing a proposed enlargement of the use of neon signage to new districts. *The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).*

Article 4: Land Use Ordinance Amendment – Short-Term Rentals

Article 4, a land use ordinance amendment, concerns short-term vacation rentals. The amendment, which proposes material changes concerning the classification, operation, permitting, and eligibility, among others, of short-term vacation rentals, has attracted considerable attention and engendered strong opposition and support among residents over the preceding months. During this meeting, the Warrant Committee received input from citizens on both sides of the amendment through in person testimony and comments submitted by email that were read aloud. Prior to any discussion of the article, six members declared a potential conflict of interest stemming from personal or family ownership of a vacation rental. After discussing the matter, the full Warrant Committee found that these members had a conflict of interest. Said members were then recused from participating in the subsequent discussion and vote. The remaining nine (9) members then conducted the discussion and vote. *The motion passed (8 in favor, 1 opposed, 0 abstain, 6 recused).*

Article 5: Land Use Ordinance Amendment – Solar Photovoltaic Systems

Article 5, a land use ordinance amendment, concerns solar photovoltaic systems. Specifically, it proposes adding ground mounted solar PV systems as a “principal use”. Such installations would not be subject to lot coverage requirements if they have vegetation growing under them. *The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).*

Article 6: Land Use Ordinance Amendment – Bonus Dwelling Units

Article 6, a land use ordinance amendment, calls for allowing construction of a second dwelling unit, a “bonus dwelling unit”-- attached or detached, on the same lot where only one single-family dwelling unit exists. A bonus dwelling Unit cannot be registered as a short-term rental or a vacation rental, and there is a maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling. Comments from members and the public in favor of Article 6 praised its potential to increase local housing stock and increase residential density, especially in outlying districts. Comments opposed to Article 6 cited concerns about compliance with the current Comprehensive Plan’s intentions to limit development in certain rural districts. Of particular concern was the effect of multiple new residential wells on aquifers serving these areas and the adequacy of new or existing septic systems to handle the increased sewage and grey water from these new dwellings. One member strongly recommended that the town of Bar Harbor undertake enhanced regular monitoring of the aquifer and inspection of septic systems if the article is approved by voters. The motion passed (11 in favor, 2 opposed, 1 abstain).

Article 7: Land Use Ordinance Amendment – Nonconformity

Article 7, a land use ordinance amendment, corrects an error of omission where the words “in any shoreland district” were unintentionally left out of a previous land use amendment. This error created a loophole where property owners town-wide are able to split conforming lots and non-conforming lots of record even when it results in the creation or the increase of nonconformity beyond the shoreland districts, which was never intended. Under this amendment, only in the shoreland districts, not town-wide, would two or more principal uses or structures located on a nonconforming lot of record could be sold separately. This is consistent with the Mandatory Shoreland Zoning. *The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).*

Article 8: Land Use Ordinance Amendment - Accessory Dwelling Units

Article 8, a land use ordinance amendment, calls for deleting the definition of accessory dwelling unit because, as defined, there are no benefits or incentives to being permitted as an accessory dwelling unit, instead of a dwelling unit. It would also delete the use from all districts where it is listed. In 2006, the town voted to approve an amendment “Weekly Rentals.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit. On June 14, 2011, the town voted to approve another amendment “Vacation Rentals.” It resulted in the removal of all references to “Homestead exempt” and “Non-homestead exempt” properties but it did not remove the definition of “Dwelling Unit, Accessory,” or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment. *The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).*

Article 9: Land Use Ordinance Amendment - Appendix A, Historic Properties

Article 9, a land use ordinance amendment, seeks approval for recent updates to Appendix A (Historic Properties in Design Review Overlay District). Under the Land Use Ordinance (125-112 D. (1) (b)), the Design Review Board is tasked with looking at this list annually and updating as necessary. The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

Respectfully submitted on this day, October 22, 2021,

/s/ Seth E. Libby

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Chairman, Town of Bar Harbor Warrant Committee