



**BAR HARBOR BOARD OF APPEALS**  
**APPLICATION FOR ADMINISTRATIVE APPEAL**  
( as permitted in Section 125-103 of the Bar Harbor Land Use Ordinance)

APPLICATION # \_\_\_\_\_

DATE April 4, 2024

FEE \$ \_\_\_\_\_ MAP \_\_\_\_\_ LOT \_\_\_\_\_

**APPLICANT :**

Name Charles Sidman

Address 395 Main Street, P.O. Box 200, Bar Harbor, ME 04609-0200

Telephone 207-288-0428

Email csidman@acadia.net

**OWNER :**

Name Charles Sidman

Address 395 Main Street, P.O. Box 200, Bar Harbor, ME 04609-0200

Telephone 207-288-0428

Email csidman@acadia.net

**PROJECT REPRESENTATIVES:**

Name N/A

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_



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**SUBJECT PROPERTY**

Physical Location N/A

Zoning District \_\_\_\_\_

Tax Map and Lot Number \_\_\_\_\_

Please state the basis for your contention that you are an aggrieved party as defined in §125-109 of the Bar Harbor Land Use Ordinance:

I am an aggrieved person whose property is directly and indirectly affected by the Town Council's March 6, 2024 Resolution that the Town would not be enforcing/interference with enforcing Bar Harbor Code Chapter 125, Article VII, Section 125-77(H), as required under the law, by the increase in pedestrian/bus traffic in Town, causing a loss in the enjoyment of my property. I also own a business in Town which is adversely affected by the increase in pedestrian traffic in Town caused by the Town's failure to enforce the Ordinance. I am also the initiative leader who co-authored the Ordinance and helped it pass. The Town's failure to enforce the Ordinance therefore causes me and my business particularized injury resulting from the use of my property, the adverse impact on my business, and nullifying my efforts to petition the government and pass the Ordinance.

Decision maker being appealed:

- Code Enforcement Officer
- Planning Board
- Harbormaster
- Public Works Director
- Other (specify) Town Council



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Grounds for action being appealed:

- Failure to approve or deny an application within the time limits of the Bar Harbor Land Use Ordinance
- Denial of approval based on a misinterpretation or misapplication of the Bar Harbor Land Use Ordinance
- Granting of approval based on a misinterpretation of or misapplication of the Bar Harbor Land Use Ordinance
- Factual findings clearing unsupported by evidence
- Other (please specify) Failure to enforce law; instructing officials not to enforce law.

Please state the specific decision you are appealing (attach copy) and the action you are requesting from the Board of Appeals:

At the March 6, 2024 Special Bar Harbor Town Council Meeting, Chair Valerie Peacock read a prepared statement, which was memorialized in a March 6, 2024 Press Release titled "Town Council statement on cruise ship ordinance enforcement," stating that the Town would not enforce the Ordinance against ship reservations made prior to the adoption of the Ordinance. I request the BOA review the Town Council's Resolution/Statement, confirm that it acted unlawfully, and issue a decision instructing the Harbor Master and CEO to enforce the Ordinance immediately.

Please state the provisions of the Bar Harbor Land Use Ordinance at issue with specific references to the applicable sections of the LUO:

Bar Harbor Code Chapter 125, Art. VII, §§ 125-77(H); 125-100(B),(C); 153-4(B); 125-101(A),(B); 125-103(A),(D)(I); 125-108(F); 1-14(A)(7)

Please state any time limits with which the Code Enforcement Officer or Planning Board has not complied, citing the applicable section of the LUO and dates:

The Town Council refused to apply the applicability date of March 17, 2022, as the date in which Bar Harbor Code Chapter 125, Article VII, Section 125-77(H) applies to cruise ship reservations and passenger visitation subject to the Ordinance's disembarkation permitting scheme and daily caps. The Town Council stated the Ordinance will only apply to ships who did not make reservations before November 8, 2022.



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Please clearly state the specific manner in which you believe the Bar Harbor Land Use Ordinance has been misinterpreted or misapplied and include specific references to the applicable sections of the LUO ( use additional sheets if necessary):

See Exhibit A attached.

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Please list every factual finding made by the Code Enforcement Officer or Planning Board that you believe to be unsupported by the evidence presented to that decision-maker and state clearly for each of the basis of your contention that each finding was unsupported by evidence ( use additional pages if necessary):

See Exhibit A attached.

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Please set forth and other facts, laws or ordinance references that you believe support your appeal (attach additional sheets if necessary):

See Exhibit A attached.

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Please attach the following:

- Your deed or other evidence of interest in the property and a letter of authorization signed by the owner of record permitting the application be made by and/or represented by another party;
- Copy of the decision you are contesting and copies of any written findings issued by the Planning Board, Design Review Board, or Code Enforcement Officer;
- All relevant submissions previously presented to the municipal officer or body whose decision whose decision is being appealed;
- A transcript of all proceedings before Planning Board or Design Review relevant to this appeal;
- Any other materials you believe will be of assistance to the Board of Appeals in rendering a decision;
- List of property owners within 300 feet of the subject property (to be provided by the Planning Department).

Submit 12 copies of the complete application with the supporting materials to the Planning Department. Applications and submissions must comply with §125-103 of the LUO. Please refer specifically to §125-103.C for provisions related to submissions.

**CERTIFICATION:**

*This application and all information submitted herewith are true and correct to the best of my knowledge.*

Applicant

4/2/2024

Date