



CITY OF BELFAST

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MANAGER'S REPORT

Belfast City Council Meeting

Tuesday, June 7, 2016

7:00 p.m.

TO: Mayor Walter Ash Jr. and Honorable Members of Belfast City Council

FROM: Joseph J. Slocum, City Manager

DATE: Friday, June 3, 2016

Agenda Items:

10-A Presentation from Coastal Mountain Land Trust on the Rail Trail.

The discussion will include suggestions for trail markers, kiosk locations, naming donors, a bench to honor a major donor, the fundraising Committee's recommendation for the name of the Rail Trail, a status of construction, status of financing and the possible scheduling of a day for grand opening. We will include in this discussion an update on where we are in negotiations to purchase an easement across the Penobscot McCrum property.

10-B First Reading of Proposed Ordinance Amendments that affect the Downtown Commercial zoning district.

These amendments are:

- Amendments to Chapter 98, Technical Standards, that affect the amount of area located in the Exempt Parking Area.
- Amendments to Chapter 102, Zoning, to allow use of Contract Rezoning to allow the division of properties and buildings which do not comply with the minimum lot size and/or minimum lot frontage requirement.
- Amendments to Chapter 102, Zoning, that allow the Code Enforcement Officer rather than the Planning Board to review and approve certain Use Permit applications.

The specific proposed changes are included in this packet. City Planner Wayne Marshall will review them with everyone at the meeting. This is only a first reading and we plan to put this on the agenda for a formal vote at the June 21st Council Meeting.

10-C First Reading of Proposed Ordinance Amendments that affect the Residential 1, Residential 2 and/or Residential 3 zoning districts.

These amendments are:

- Amendments to Chapter 102, Zoning, to establish the minimum traditional front setback requirement for several streets located in the Residential 1 zoning district.
- Amendments to Chapter 98, Technical Standards, to clarify provisions related to the restriction on parking located in front of a building.

The specific proposed changes are included in this packet. City Planner Wayne Marshall will review them with everyone at the meeting. This is only a first reading and we plan to put this on the agenda for a formal vote at the June 21st Council Meeting.

10-D First Reading of proposed amendments to City Ordinances, Chapter 66, General Provisions (definitions), regarding the definition of a back lot and lot frontage.

The specific proposed changes are included in this packet. City Planner Wayne Marshall will review them with everyone at the meeting. This is only a first reading and we plan to put this on the agenda for a formal vote at the June 21st Council Meeting.

10-E Consideration of a request for free use of the Boathouse by the Waldo County 4-H on Friday, June 24th.

We have recently established guidelines for fees at the Boathouse. They are attached in your packet. City Parks and Recreation Director Norman Poirier would be at the meeting to answer your questions.

10-F Request to reserve the Pavilion at City Park for a family reunion on July 9th from 11:30 to 3:30 p.m.

There is a written request attached in your packet.

10-G Request to reserve the Pavilion in City Park for a benefit fundraiser on Saturday, June 11th from 12:00 to 5:00 p.m. for the family of a young man recently killed in a car accident.

There is a written request attached in your packet.

10-H Consideration of possible "No Action" letter regarding an apparent violation of the existing Zoning Ordinance.

From time to time we have circumstances on the ground that we cannot explain. Sometimes mistakes are made and people who acted in good faith in reliance upon those mistakes to their detriment. We have one of these instances to address right now. There appears to have been confusion in the reading of Planning Board maps about the extent to which an existing structure could be expanded. Attached to your packet is a memo from City Planner Wayne Marshall explaining this in further detail along with his recommendation that the City issue a "No Action" letter based upon this good-faith misunderstanding of existing zoning regulations. Such a letter means that the City would not prosecute this unintended violation. The location of the structure is unit number 14 in the Wonderview Cottages on Searsport Avenue.

10-I Consideration of a pole permit request from CMP.

This is a pole relocation permit related to the Front Street Reconstruction Project. Attached your packet is a copy of the pole permit request which has been recommended for approval by the City Planner Wayne Marshall and City Public Works Director Bob Richards.

10-J Consideration of a request to display an artist chain saw bench in the City.

Apparently during the recent music festival this bench was carved. There's been a suggestion we placed it on display the City. I've also referred this matter to Our Town Belfast who is currently working on a Please Be Seated project for downtown Belfast for the summer.

10-K Request from the Fire and Ambulance Chief to appoint Edgar Spalding as an on-call driver and Spencer Martin as an ambulance attendant for the Ambulance Service.

From time to time Chief has an opportunity to broaden the number of supporting drivers, EMTs, etc. for the Ambulance Department. Attached in your packet are two letters from Chief Richards asking for your confirmation of their appointments to the Belfast Ambulance Service.

10-L Request from the Police Chief to confirm Trey Reed as the summertime parking enforcement attendant.

Attached in your packet is a note from Chief McFadden on this requested confirmation.

10-M Request to renew the City policy statement to specifically allow for placement of political signs in the public right-of-way.

We have done this for seven years in a row. Our current Zoning Ordinance generally prohibits signs from being in the right-of-way so we generally carve out an exception at election time. There is a memo in your packet explaining this further.

10-N Update from the Energy Committee.

Assistant City Planner Sadie Lloyd has a memo attached to this packet on various proposals and the status of various tasks associated with the Energy Committee. She'll make a personal presentation at the meeting and respond your questions and concerns.

10-O Update on the Front Street Reconstruction Project.

City Planner Wayne Marshall will present an updated status report on the project at the meeting.

10-P Update on the County Courthouse Project.

It is news to some that the State is helping to finance serious Courthouse improvements in the City of Belfast. The City is not in charge of this development but we have been in contact with both State and County officials about the proposed project. City Planner Wayne Marshall will provide an update on what we know and the issues that need to be resolved.

10-Q Presentation from City Planner Wayne Marshall on the City's Map Geo program.

This would be a short informational presentation on the City data that will now be hosted on the Map Geo website.

10-R Request to go into Executive Session to discuss a Real Property matter pursuant to 1 M.R.S.A. 405 (6) C.

10-S Signing of Council Orders

That's about it for now. Many thanks to our Veterans at the Legion and the VFW as well as the Ladies Auxiliary for a great parade on Memorial Day. Thanks too to the School Band, the Cub Scouts, Girl Scouts, Brownies, Boy Scouts and all their dedicated leaders. We all live today on the deep and broad shoulders of our men and our women who have served this nation, so many of them have made so many incredible sacrifices on our behalf. Last week it finally hit me that summer is here and so are our visitors, our traffic and our personal enthusiasm for these wonderfully long green days. We hope that everyone keeps their public safety awareness up, as not everybody is familiar with our roads or our ways. The best season is the one we all get through safely together. Have a great weekend, support your local businesses and encourage our visitors to do the same.

Years ago I was in another food co-op in another town when I came upon a store assistant trying to encourage a patron to purchase some of the fresh ripe "Maine grown"

bananas that were on display. "It's a limited Maine harvest", she said matter-of-factly. The visitor ended up buying them all and proudly left with her prize. We don't need to trick people to encourage them to buy our great wares, goods and locally prepared and produced foods. We are Belfast. We are different. We want folks to visit and we want them to honestly leave proud that they did.

**City of Belfast
Consent Agenda
Tuesday, June 7, 2016
Meeting #23**

The following items are proposed as our Consent Agenda. As in the past the items are voted on in one blanket motion to the affirmative. One Councilor makes a motion to approve the items as stated, and then another Councilor will second that motion and the whole Council votes. If a Councilor requests an item be removed from the consent agenda, they do so during the adoption of the agenda. If a member of the public requests that an item be removed from the consent agenda, they can do so in the open to the public section. Suggested motions are listed and supporting material is enclosed.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve the application for a new Victualer license for Matthew Kenney d/b/a Arata (previously The Gothic Restaurant) located at 108 Main Street, Belfast, Maine license to expire May 31, 2017.**

Motion to approve a request of the application for a new Victualer license for Matthew Kenney d/b/a Arata (previously The Gothic Restaurant) located at 108 Main Street, Belfast, Maine license to expire May 31, 2017.

- B. Request to approve the application by Chase's Daily located at 96 Main Street, Belfast, Maine for a renewal Restaurant Class III, IV Malt and Vinous license, interior only.**

Motion to approve the application by Chase's Daily located at 96 Main Street, Belfast, Maine for a renewal Restaurant Class III, IV Malt and Vinous license, interior only.

- C. Request to approve an application for a Special Amusement Permit for Chase's Daily for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 96 Main Street, Belfast, Maine, interior only.**

Motion to approve an application for a Special Amusement Permit for Chase's Daily for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 96 Main Street, Belfast, Maine, interior only.

- D. Request to approve an application by The Gothic Restaurant LLC d/b/a Arata located at 108 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant Class I liquor license (interior only).**

Motion to approve an application by The Gothic Restaurant LLC d/b/a Arata located at 108 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant Class I liquor license (interior only).

- E. Request to approve an off premises catering permit for Trillium Events, Inc for the Our Town Belfast “Dinner on the Bridge” event located on the Armistice Bridge on July 28, 2016 from 7:30 p.m. to 9:30 p.m.**

Motion to approve an off premises catering permit for Trillium Events, Inc for the Our Town Belfast “Dinner on the Bridge” event located on the Armistice Bridge on July 28, 2016 from 7:30 p.m. to 9:30 p.m.

- F. Request to approve an off premises catering permit for Trillium Events, Inc for the Our Town Belfast Auction Fundraiser event located at the Belfast Boathouse, 34 Commercial Street, Belfast, Maine on July 6, 2016 from 6:30 p.m. to 9:30 p.m.**

Motion to approve an off premises catering permit for Trillium Events, Inc for the Our Town Belfast Auction Fundraiser event located at the Belfast Boathouse, 34 Commercial Street, Belfast, Maine on July 6, 2016 from 6:30 p.m. to 9:30 p.m.

- G. Request to approve an off premises catering permit for White Flour Catering LLC for the Northport Yacht Club “Kick Off Party” located at the Waldo County Shrine Club, 85 Northport Ave., Belfast, Maine on May 29, 2016 from 5:00 p.m. to 11:00 p.m.**

Motion to approve an off premises catering permit for White Flour Catering LLC for the Northport Yacht Club “Kick Off Party” located at the Waldo County Shrine Club, 85 Northport Ave., Belfast, Maine on May 29, 2016 from 5:00 p.m. to 11:00 p.m.

- H. Request to approve an off premises catering permit for The Otis Group Incorporated d/b/a Rollie’s for the Golden Eagle Fundraiser Dinner located at the Hutchinson Center, 80 Belmont Ave., Belfast, Maine on May 17, 2016 from 5:00 p.m. to 9:00 p.m.**

Motion to approve an off premises catering permit for The Otis Group Incorporated d/b/a Rollie’s for the Golden Eagle Fundraiser Dinner located at the Hutchinson Center, 80 Belmont Ave., Belfast, Maine on May 17, 2016 from 5:00 p.m. to 9:00 p.m.

- I. Request to approve an off premises catering permit for The Otis Group Incorporated d/b/a Rollie’s for the Waldo County Republicans Fundraiser Dinner located at the Waldo County Shrine Club, 20 Northport Ave., Belfast, Maine on May 18, 2016 from 5:00 p.m. to 8:00 p.m.**

Motion to approve an off premises catering permit for The Otis Group Incorporated d/b/a Rollie’s for the Waldo County Republicans Fundraiser Dinner located at the Waldo County Shrine Club, 20 Northport Ave., Belfast, Maine on May 18, 2016 from 5:00 p.m. to 8:00 p.m.

- J. Request to approve an off premises catering permit for Crusty Crab LLC for the Best of the Best Gala event located at the Hutchinson Center, 80 Belmont Ave., Belfast, Maine on May 18, 2016 from 4:00 p.m. to 7:00 p.m.**

Motion to approve an off premises catering permit for Crusty Crab LLC for the Best of the Best Gala event located at the Hutchinson Center, 80 Belmont Ave., Belfast, Maine on May 18, 2016 from 4:00 p.m. to 7:00 p.m.

- K. Request to approve an off premises catering permit for the volunteers of the Senior College at Belfast for the Senior College Festival of Art event located the Senior College, 80 Belmont Ave., Belfast, Maine on June 9, 2016 from 6:00 p.m. to 8:00 p.m.**

Motion to approve an off premises catering permit for the volunteers of the Senior College at Belfast for the Senior College Festival of Art event located the Senior College, 80 Belmont Ave., Belfast, Maine on June 9, 2016 from 6:00 p.m. to 8:00 p.m.

- L. Request to approve a 6 month Blanket Letter of Approval for Games of Chance (Sealed Tickets) for the Frank D. Hazeltine Post #43 located at 143 Church Street, Belfast, Maine. This approval is granted for 7-days a week for sealed tickets for the time period of July 1, 2016 through December 31, 2016.**

Motion to approve a 6 month Blanket Letter of Approval for Games of Chance (Sealed Tickets) for the Frank D. Hazeltine Post #43 located at 143 Church Street, Belfast, Maine. This approval is granted for 7-days a week for sealed tickets for the time period of July 1, 2016 through December 31, 2016.

- M. Request to approve a 6 month Blanket Letter of Approval for Games of Chance (Dice) for the Frank D. Hazeltine Post #43 located at 143 Church Street, Belfast, Maine. This approval is granted for 7-days a week for sealed tickets for the time period of July 1, 2016 through December 31, 2016.**

Motion to approve a 6 month Blanket Letter of Approval for Games of Chance (Dice) for the Frank D. Hazeltine Post #43 located at 143 Church Street, Belfast, Maine. This approval is granted for 7-days a week for sealed tickets for the time period of July 1, 2016 through December 31, 2016.

- N. Request from Our Town Belfast to gift the City with the 26 chairs and benches associated with the Please Be Seated Project.**

Motion to approve request from Our Town Belfast to gift the City with the 26 chairs and benches associated with the Please Be Seated Project.

- O. Request to approve the application for a new Victualer's License for Mark Senders d/b/a Bagel Cafe located at 159 High Street Belfast, Maine.**

Motion to approve a request of the application for a new Victualer's License for Mark Senders d/b/a Bagel Cafe located at 159 High Street Belfast, Maine.

- P. Request to approve the application by 3 J's and A G, Inc. d/b/a Darby's Restaurant (new owner) located 155 High Street, Belfast, Maine for a new Malt, Spirituous and Vinous Restaurant Class liquor license, interior only.**

Motion to approve a request of the application by 3 J's and A G, Inc. d/b/a Darby's Restaurant (new owner) located 155 High Street, Belfast, Maine for a new Malt, Spirituous and Vinous Restaurant Class liquor license, interior only.

- Q. Request to approve the application for a Special Amusement Permit for 3 J's and A G, Inc d/b/a Darby's for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 163 High Street, Belfast, Maine, interior only.**

Motion to approve a request of the application for a Special Amusement Permit for 3 J's and A G, Inc d/b/a Darby's for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 163 High Street, Belfast, Maine, interior only.

- R. Request to approve a new application by Jojo Oliphant d/b/a Bell The Cat, Inc. at 15G Starrett Drive, Belfast, Maine for a Malt and Vinous Restaurant/Lounge (Class I-IV) license, interior only.**

Motion to approve a request for a new application by Jojo Oliphant d/b/a Bell The Cat, Inc. at 15G Starrett Drive, Belfast, Maine for a Malt and Vinous Restaurant/Lounge (Class I-IV) license, interior only.

- S. Request to approve the application for a Special Amusement Permit for Jojo Oliphant d/b/a Bell The Cat for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 15G Starrett Drive, Belfast, Maine, interior only.**

Motion to approve a request of the application for a Special Amusement Permit for Jojo Oliphant d/b/a Bell The Cat for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 15G Starrett Drive, Belfast, Maine, interior only.

- T. Request to approve the new application for a Victualer's License for Sarah Wilder d/b/a Wild Cow Creamery located at 31 B Front Street, Belfast, Maine.**

Motion to approve a request of the new application for a Victualer's License for Sarah Wilder d/b/a Wild Cow Creamery located at 31 B Front Street, Belfast, Maine.

- U. Request to approve the new application by Belfast Breeze Inn, LLC located at 192 Northport Ave, Belfast, Maine for a new Spirituous, Vinous and Malt license.**

Motion to approve a request of the new application by Belfast Breeze Inn, LLC located at 192 Northport Ave, Belfast, Maine for a new Spirituous, Vinous and Malt license.

- V. Request to approve the new application for a Special Amusement Permit for Jane Liedtke d/b/a Belfast Breeze Inn, LLC for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 192 Northport Ave, Belfast, Maine, interior & exterior.**

Motion to approve a request of the new application for a Special Amusement Permit for Jane Liedtke d/b/a Belfast Breeze Inn, LLC for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 192 Northport Ave, Belfast, Maine, interior & exterior.

- W. Request to approve an off premises catering permit for American Legion Frank D. Hazeltine Post #43 for a Wedding Reception located at the Legion Hall (Main Function Hall), 143 Church Street, Belfast, Maine on June 25, 2016 from 3:00 p.m. to midnight.**

Motion to approve an off premises catering permit for American Legion Frank D. Hazeltine Post #43 for a Wedding Reception located at the Legion Hall (Main Function Hall), 143 Church Street, Belfast, Maine on June 25, 2016 from 3:00 p.m. to midnight.

- X. Request to approve a Lunch Wagon License permit application by Tina Cook d/b/a Chef on the Run, LLC located at 21 Schoodic Drive and 28 Pierce Street, Belfast, Maine.**

Motion to approve a Lunch Wagon License permit application by Tina Cook d/b/a Chef on the Run, LLC located at 21 Schoodic Drive and 28 Pierce Street, Belfast, Maine.

9.N



*"Growing and sustaining our historic downtown...
celebrating our unique cultural heritage."*

June 1st, 2016

Dear City Councilors, Mayor Ash, and City Manager Joe Slocum,

Our Town Belfast is pleased to provide 26 "Please Be Seated" benches and chairs for the Belfast community, which will be placed throughout the downtown in June and will remain installed until mid-October. Benches will be placed in the same locations as in 2015, in order to make use of previously printed rack cards. Rack cards will be distributed from local businesses and the Chamber visitors' center promoting the program, which we hope will encourage folks to visit as many seats (and hopefully, local businesses and places of interest) as they can.

Should the city have any concerns throughout the season regarding seat locations and upkeep, please contact myself at any time. Our design committee volunteers look forward to maintaining the seats throughout the summer and into the fall, knowing what a fun and practical addition they are to the Belfast landscape.

Best,
Breanna Pinkham Bebb
Executive Director, Our Town Belfast

bre@ourtownbelfast.org | 207.218.1158 | www.ourtownbelfast.org

107 Main Street, Upstairs

Our Town Belfast is a community-driven and nationally-accredited Main Street program. As we are a 501(c)3 organization, contributions are tax-deductible.

Please Be Seated Locations 2016 - Our Town Belfast

#	Name	DESCRIPTION	Location
1	ButtKit Bench	paint buckets	Plantlab Corner
2	Winter Weary II	snowshoe, small chair	Corner of Church & Beaver
3	Bugsy, Dog of Belfast	lobster trap with dog painted on it	High Street side of Blake & Hazard corner
4	Upstream	concrete "belfast" written in it	High Street between City Hall and Courthouse
5	Peas Be Seeded	face cutouts with characters	Between Co-op and Laundromat
6	Urban Sole	small stool with concrete seat	Just uphill from Colburn Shoe Store
7	One that Got Away	wooden lobster bench	Corner of Cross & Main, by Lobster Shack
8	Rustic Revival	Paul Jurutka's wooden bench	Corner of Main and Washington, near Epoch / Rachel K DeLong
9	The Greeter	post with carved face, flat bench	Park on Main, between Rollie's block and County Copy, in the grass!
10	Tourist Trap 1	lobster trap chair	Between Front Street and boat trailer parking
11	Tourist Trap 2	lobster trap chair	Between Front Street and boat trailer parking
12	Drift Wood	driftwood with totem	Heritage Park near shrubbery
13	Pop a Squat	wood / paint	Near Laan Xang, across from Chamber
14	Logomotive	log train	Heritage Park, corner between cove and docks
15	Commodus	already out	Where it sits currently, bus stop by Harbor Master office
16	Rough Cut	already out	Where it sits currently, between City Hall and Courthouse in grass
17	Going Nowhere	already out	Where it sits currently, in front of City Hall on Church Street
18	If The Shoe Fits	Giant polka dotted high heel shoe	Between Whimsey and Pendleton Street
19	All Things Found in Belfast	Found wood pieces, float, street style painted	High Street side of Blake & Hazard corner
20	Ready for Next Year	Snow shovel bench	Fiddlehead Artisan Supply
21	Street Paw	Wooden door, paint, by Eric Leppanen	Corner by Alexia's Pizza
22	Rhythm Cubes	Wrought Iron Cubes	Corner by Parent Gallery, High Street side
23	Stumped in Love	Stump adironrack style loveseat	Traci's Diner
24	Relax to the Beat...	drum set	Main Street side of Better Homes & Gardens corner
25	No Strings Attached	guitar	Main Street side of Better Homes & Gardens corner
26	Isn't it Grand	piano	High Street side of Better Homes & Gardens corner

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: June 2, 2016

RE: First Reading - Proposed Ordinance Amendments - Downtown Commercial Zoning District

REQUESTED ACTIONS

The Belfast Planning Board is recommending that the City Council adopt the following amendments to the City Code of Ordinances that mostly affect the Downtown Commercial zoning district. I am requesting three actions from the Council at your June 7 meeting.

Action #1. Conduct the First Reading of each of the amendments outlined below. The First Reading is your opportunity to ask any questions and to identify potential revisions that you may like to make to the proposals.

Action #2. Schedule the Second Reading and public hearing for the Council meeting of June 21.

Action #3. Provide direction to staff regarding how you would like to provide public notice of the hearings. The City will publish notice of the June 21 hearing in the Republican Journal and on the City website. In addition, do you want to send letters to the property owners who are most affected by the proposals? I note that the Planning Board sent letters to all property owners in the Downtown Commercial zoning district for the hearings that it conducted on either May 7 or 21, and only two property owners attended any of the hearings. We are prepared to send letters to property owners if you would like.

OVERALL BACKGROUND INFORMATION ON ORDINANCE AMENDMENTS

The City Council, as recommended by the Belfast Planning Board, in October 2014, adopted amendments that affected all zoning districts located in the Inside the Bypass area, including the Downtown Commercial zoning district. The amendments made changes to the type of uses allowed, the dimensional standards that apply to the respective zoning districts, the boundaries of the zoning districts, and similar concerns. The Planning Board and Code and Planning Department staff, in working with the adopted amendments, has identified several additional fine tuning that we believe is appropriate. In addition, we have had a new request that has come forward that does not comply with current zoning requirements.

The Planning Board and Code and Planning Department staff have been working on these and other Ordinance amendments over the past 4 - 6 months. The Board conducted public hearings on the proposals at its meeting of May 7 or May 21. Overall, there was little to no public

comment regarding the respective proposals. I have provided a synopsis of each of the proposed amendments below and identified why it is being proposed. The complete text of each of the Ordinance amendments accompanies this memorandum.

CHANGE TO CHAPTER 102, ZONING, USE TABLE --- WHO REVIEWS PERMITS

In October 2014, the City adopted a new common Table of Uses that identifies the Uses that are permitted or prohibited in each zoning district located in the Inside the Bypass area and who is responsible for review and issuance of the permit, the Code Enforcement Officer (CEO) or the Planning Board. When the new Table of Uses was adopted in October 2014, the Table identified that the Planning Board, rather than the CEO would be responsible for the review and approval of most permits in the Downtown Commercial zoning district. In retrospect, this likely is unnecessary for many uses in the Downtown Commercial zoning district. For example, the Planning Board, pursuant to the Table of Uses, was required to review the proposed Use Permit for Camden Bagel to establish a small restaurant in the Phoenix Row block building next to the Colonial Theater, even though the Code does not require any on-site parking and there were no changes to the building that would cause any adverse impacts.

The Planning Board is recommending revisions to the Table of Uses that would authorize the CEO, rather than the Board, to review and approve Use Permits for nearly all nonresidential uses located in the section of the Downtown Commercial zoning district that is exempt from the requirement to provide on-site parking. I note that only the Planning Board has the authority to consider an alternative parking option for a property/use located outside the exempt area, thus, the Board determined that it is appropriate to continue to have the Board review such requests. That said, I note that there is a companion Ordinance (see below) that would allow the CEO rather than the Board to review certain uses in the non-exempt area that create the demand for less than 3 parking spaces.

No comment was offered at the Planning Board public hearing. The Board recommended adoption of these Ordinance amendments by a vote of 5-0-2 (two absent).

CHANGE TO CHAPTER 98, TECHNICAL STANDARDS - EXEMPT PARKING AREA

The Chapter 98, Technical Standards, identify City parking requirements. Many properties on Main Street, High Street and Church Street that are located in the Downtown Commercial zoning district are located in an area which in which a Use is exempt from the requirement to provide on-site parking. The Planning Board is proposing amendments that would increase the number of properties located in the exempt parking area. As shown on the map that accompanies the text of the Ordinance amendments, properties along lower Main Street, such as Consumer Fuels and Dockside, would be included in the exempt area, as would the Post Office, Vincents and the Unitarian Universalist Church. In addition, the First Church, which is in the Residential 1 zoning district, would be exempt from on-site parking.

The Planning Board, in its discussions, clearly recognized that which properties are or are not required to provide on-site parking is a significant potential development cost for a property owner, as well as a significant public policy issue. The amount of publicly owned parking in

parking lots and on-street and its general accessibility to a property was one of the issues the Board considered in looking at current Ordinances. In general, the core of the downtown (Main Street) was viewed as being appropriate to be in the exempt area, but as you move to the edges of the downtown (e.g. Redman Hall, Spring Street and such) that it likely is appropriate to continue the current policy of requiring on-site parking, while granting the Planning Board flexibility to determine if it is appropriate to allow an alternative parking option (lesser number of on-site parking spaces than required by City Ordinance). The Board also noted that these amendments can and should ultimately be part of a grander and subsequent discussion of public parking vs. private parking. In short, these amendments are viewed as a first step.

The second element of this proposal is to allow the CEO, rather than the Planning Board, to review a proposal to allow a use that requires 3 or less new parking spaces in the portion of the Downtown Commercial zoning district that is located in the non-exempt on-site parking area. In short, if a property owner proposes a new use or amended use that generates little to no new parking demand, the CEO can consider the use and not require additional on-site parking.

The Planning Board voted 4 (favor) -1 (opposed) -2 (absent) to recommend these amendments to the Council. Two property owners attended the hearing to ask questions about the proposal.

CHANGE TO CHAPTER 102, ZONING - CONTRACT REZONING - DOWNTOWN COMMERCIAL ZONING DISTRICT.

The current minimum lot size and minimum street frontage requirement for the Downtown Commercial zoning district is 2,000 square feet and 20 feet of street frontage. The owner of the Phoenix Row block property is looking to divide the existing building into 2 or 3 properties, however, one or more of the lots (building division) proposed to be created would be less than the required minimum lot size or minimum frontage requirement. The Planning Board, Department staff and City Attorney debated how best to address this issue. Ultimately, we chose to recommend the City allow the use of contract rezoning to allow the division of properties in which one or more lots that would be created do not satisfy the minimum lot size requirement, provided the lot includes a building that was constructed prior to 1985, as the most appropriate tool to consider such an application.

The contract rezoning process would be similar to that which is now in effect for the waterfront area and for other specific properties in the Residential 1 and Residential 2 zoning districts. The Planning Board voted 7-0 to support this amendment. While no public comment was offered at the May 21 meeting, I note that the owners of the Phoenix Row block are hopeful that the City will adopt this proposal

I would be happy to answer any questions on the amendments.

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING TUESDAY, JUNE 7, 2016
CHAPTER 102, ZONING ARTICLE V, DISTRICT REGULATIONS &
CHAPTER 102, ZONING, CONTRACT REZONING
DIVISION 5, DOWNTOWN COMMERCIAL ZONING DISTRICT**

Notes to Reader:

- 1) Chapter 102, Zoning, identifies the Zoning regulations that apply to Belfast. Article V, District Regulations, of this Chapter, identifies the standards that apply to the City's respective zoning districts, including the Downtown Commercial zoning district. Article X, Contract Rezoning, identifies the process and requirements that the City uses to adopt a Contract Rezoning Agreement for a specific property. The proposed amendments are intended to provide flexibility to both a property owner and the City to potentially allow a division of certain properties and buildings on which a building that was constructed prior to 1985 is located, when such a division would result in the creation of one or more lots that may not comply with the minimum lot size (2,000 square feet) or lot frontage (20 feet) requirement for the Downtown Commercial zoning district. The amendments would allow the City to consider approving a contract rezoning agreement for a specific property to allow flexibility regarding the size of lots or amount of frontage for said lots that are created. A contract rezoning agreement requires review by the Planning Board, potential review by the Intown Design Review Committee, and the review and approval of the City Council as an amendment to the City Zoning Ordinance. The amendments are intended to address some of the unique situations that may arise in the City's downtown area.
- 2) The Planning Board conducted a public hearing regarding this proposal at its meeting of May 25, 2016, and voted unanimously to support these proposed amendments to the City Council. No public comment was offered at the Planning Board hearing.
- 3) The City Council is scheduled to conduct the First Reading of these proposed amendments at its meeting of June 7, 2016. The Council is tentatively scheduled to conduct the Second Reading and public hearing regarding the proposed amendments at its meeting of June 21, 2016. The Council has the authority to make any changes that it chooses to the proposed amendments and to approve, approve with revisions or reject the proposal.
- 4) The amendments to Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards, are identified in **Red Font**. Language that is in Black Font is existing language that is not proposed to be amended.

The amendments to Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district is an entirely new Division to the City Code of Ordinances. As all language in this Division is new language, it is identified in **Black Underlined Font**.

TEXT OF PROPOSED ORDINANCE AMENDMENTS

Chapter 102, Zoning

Article V, District Regulations ,

Division 31, Dimensional Standards

Section 102-900 Dimensional Chart

SEE ATTACHED REVISIONS TO DIMENSIONAL CHART

Division 31, Dimensional Standards

Section 102-901 Footnotes to Dimensional Standard Chart

The Footnotes identified below apply to the Dimensional Standard Table in Section 102-900. The respective footnote identifies additional requirements that apply to the standard identified in the Dimensional Standard Table. The footnotes are identified in the Dimensional Standard Table by the following designation: * [number].

Footnote *[11] In the Downtown Commercial zoning district, a property owner, pursuant to the contract rezoning process identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, may request to divide or subdivide a property (lot) and building into two or more properties (lots) when one or more of the properties (lots) that are created by said division or subdivision do not satisfy the minimum lot size and/or minimum lot frontage requirements in effect for the Downtown Commercial zoning district. This provision only applies to a property on which the building that is proposed to be divided was constructed on or before July 16, 1985.

CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 31, DIMENSIONAL STANDARDS, SECTION 102-900 DIMENSIONAL CHART

DIMENSIONAL STANDARD	RESIDENTIAL 1	RESIDENTIAL 2	RESIDENTIAL 3	DOWNTOWN COMMERCIAL	WATERFRONT MIXED USE 1	WATERFRONT MIXED USE 2
MINIMUM LOT SIZE						
Minimum Lot Size, Single Family Residential, Public Sewer	7,500 sf	7,500 sf	7,500 sf	2,000 sf - * [1][11]	43,560 sf - * [2]	20,000 sf - * [2 and 3] or 4,000 sf - * [2 and 3]
Minimum Lot Size, Single Family Residential, Back Lot, Public Sewer	7,500 sf	7,500 sf	7,500 sf	2,000 sf - * [1][11]	43,560 sf - * [2]	20,000 sf - * [2 and 3] or 4,000 sf - * [2 and 3]
Minimum Lot Size, Single Family Residential, Subsurface System	20,000 sf	20,000 sf	20,000 sf	Prohibited	Prohibited	Prohibited
Minimum Lot Size, Single Family Residential, Back Lot, Subsurface System	20,000 sf	20,000 sf	20,000 sf	Prohibited	Prohibited	Prohibited
Minimum Lot Size, Two Family Residential, Public Sewer	7,500 sf	7,500 sf	7,500 sf	2,000 sf - * [1][11]	43,560 sf - * [2]	20,000 sf - * [2 and 3] or 4,000 sf - * [2 and 3]
Minimum Lot Size, Two Family Residential, Back Lot, Public Sewer	7,500 sf	7,500 sf	7,500 sf	2,000 sf - * [1][11]	43,560 sf - * [2]	20,000 sf - * [2 and 3] or 4,000 sf - * [2 and 3]
Minimum Lot Size, Two-Family Residential, Subsurface System	20,000 sf	20,000 sf	20,000 sf	Prohibited	Prohibited	Prohibited
Minimum Lot Size, Two-Family Residential, Back Lot, Subsurface System	20,000 sf	20,000 sf	20,000 sf	Prohibited	Prohibited	Prohibited
Minimum Lot Size, Multi-Family Residential, Public Sewer	10,000 sf	10,000 sf	10,000 sf	2,000 sf [11]	43,560 sf - * [2]	20,000 sf - * [2 and 3] or 4,000 sf - * [2 and 3]
Minimum Lot Size, Multi-Family Residential, Subsurface System	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED
Minimum Lot Size, Non-Residential, Public Sewer	10,000 sf	10,000 sf	10,000 sf	2,000 sf [11]	43,560 sf (1 Acre)	20,000 sf

When an * asterisk and [] are on the Dimensional Chart, such as * [1], Refer to Footnotes in Section 102-901 that accompany this Chart

CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 31, DIMENSIONAL STANDARDS, SECTION 102-900 DIMENSIONAL CHART

DIMENSIONAL STANDARD	RESIDENTIAL 1	RESIDENTIAL 2	RESIDENTIAL 3	DOWNTOWN COMMERCIAL	WATERFRONT MIXED USE 1	WATERFRONT MIXED USE 2
Minimum Lot Size, Non-Residential (No Frontage), Public Sewer	10,000 sf	10,000 sf	10,000 sf	2,000 sf [11]	43,560 sf (1 Acre)	20,000 sf
Minimum Lot Size, Non-Residential, Subsurface System	20,000 sf	20,000 sf	20,000 sf	Prohibited	Prohibited	Prohibited
<u>MINIMUM STREET FRONTAGE FOR A LOT</u>						
Minimum Street Frontage - Residential	60 ft	60 ft	60 ft	20 ft - *[1][11]	200 ft - *[2]	200 ft - *[2 or 3] or 50 ft *[2 or 3]
Minimum Street Frontage - Non-Residential	80 ft - *[4]	80 ft - *[4]	80 ft - *[4]	20 ft [11]	200 ft	200 ft *[3] or 50 ft *[3]
Minimum Width Lot - Back Lot - Residential	60 ft	60 ft	60 ft	20 ft - *[1][11]	200 ft - *[2]	200 ft - *[2 or 3] or 50 ft *[2 or 3]
Minimum Width Lot - Back Lot - Non-Residential	80 ft - *[4]	80 ft - *[4]	80 ft - *[4]	20 ft - *[1][11]	200 ft - *[2]	200 ft - *[2] or 50 ft *[3]

When an * asterisk and [] are on the Dimensional Chart, such as * [1], Refer to Footnotes in Section 102-901 that accompany this Chart

TEXT OF PROPOSED AMENDMENTS

Chapter 102, Zoning

Article X, Contract Rezoning

Division 5. Downtown Commercial zoning district.

Sec. 102-1501. Properties located in the Downtown Commercial zoning district which may submit an application for contract rezoning.

This provision is for an application to divide or subdivide a property (lot) and building into two or more properties (lots) when one or more of the properties (lots) that are created by said division or subdivision do not satisfy the minimum lot size and/or minimum lot frontage requirements in effect for the Downtown Commercial zoning district. This provision only applies to a property on which the building that is proposed to be divided was constructed on or before July 16, 1985.

Sec. 102-1502. Purpose of Provision.

The Downtown Commercial zoning district is the most densely developed area of the City. The pattern of development in this area and many of the lots and the buildings on these lots have existed for 75 or more years. While the adopted dimensional standards for the Downtown Commercial zoning district largely reflect the density of existing development by establishing the smallest minimum lot size, 2,000 square feet, and smallest minimum lot frontage requirement, 20 feet, of any zoning district in the City, some existing lots and the buildings on these lots may not satisfy the City's minimum lot size and frontage requirements, particularly if a property owner may want to divide an existing building and the accompanying land (lot) into one or more lots. The City has found that it is appropriate to allow a property owner to request obtaining a contract rezoning agreement to allow the potential dividing or subdividing of their property and building into two or more lots, even if one or more of the resultant lots do not satisfy the minimum lot size and/or lot frontage requirement, provided that the proposed division is found by the City to be consistent with the requirements of this Division, particularly the goal statements identified in Sec 102-505.

Sec. 102-1503. Contract rezoning process for all applications.

(a) Step 1, applicant meeting with City Planner.

An applicant who proposes to use the contract rezoning process shall first meet with the Belfast City Planner or his designee. The applicant shall describe the property and building proposed to be divided or subdivided, the purpose of the division and factors related to the use of contract rezoning. The City Planner shall explain requirements of the contract rezoning process to the applicant, and identify information the applicant must submit in an application. The City Planner or his designee shall coordinate review of the application through all steps of this process, steps 1 through 4, and shall prepare draft findings, conditions and similar information as requested by the In-town Design Review Committee, Planning Board and City Council.

(b) Step 2, City of Belfast Planning Board.

The Planning Board shall review an application to use contract rezoning for a property and make a recommendation to the Belfast City Council regarding project compliance with applicable requirements of the City Code of Ordinances, including but not necessarily limited to the following: Chapter 78, Floods; Chapter 80, In-Town Design Review; Chapter 82; Shoreland Zoning; Chapter 90, Site Plan; Chapter 98, Technical Standards; Chapter 102, Zoning, Article V, District Regulations and Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district (this Division); and the City Subdivision Ordinance. The Planning Board, in conducting its review and preparing its recommendations, shall consider the following: recommendations of the In-Town Design Review Committee (step 3); public testimony presented to the Board; the lay-out of proposed division of the property and building and the configuration of the resultant lots; the relationship of this property to the street and surrounding properties; the reuse and alteration of the existing building and property; how the proposed division complements the economy and character of the downtown area and community; compliance with applicable requirements of the City Code of Ordinances; and consistency of the project with policy recommendations in the City of Belfast Comprehensive Plan. The Planning Board is responsible for preparing a contract rezoning agreement for presentation to the City Council as a proposed contract rezoning ordinance amendment. Said agreement shall define specific terms that the applicant must satisfy, including but not necessarily limited to: the size and lay-out of the properties that are created; how common improvements and services for the property and building to be divided are managed; required improvements to the site, if any; and a list of all conditions that apply to this application and agreement.

An applicant, at the conclusion of this process, shall present a site plan sealed by a licensed engineer and, if required, architectural plans sealed by a licensed architect or engineer, which incorporates all requirements specified by the Planning Board. The Board also shall prepare written findings that address requirements of the respective City Code of Ordinances that apply to this project.

Step 2 shall involve the following procedures:

- (1) The applicant shall submit a written application to the Code and Planning Department for presentation to the Planning Board that includes, at a minimum, the following information:
 - a. Applicable information required for Planning Board review of a preliminary site plan as stipulated in chapter 90, site plan, section 90-72, and a final site plan as stipulated in chapter 90, site plan, section 90-102, if the proposed division of the property and building qualifies as a site plan.
 - b. All information required for Planning Board review of a subdivision pursuant to requirements of the City Subdivision Ordinance, if the proposed division of the property and building qualifies as a subdivision.
 - c. All information required in chapter 102, zoning, section 102-102, submission requirements, for an application that requires review by the Planning Board.
 - d. All findings and plans approved by the In-town Design Review Committee, step 3.

- e. A plan that depicts the lay-out of the proposed division of the property and building, including the interior division of the building and all common improvements. The plan must identify the land that will be divided in conjunction with the building. A plan which proposes only the division of a building, for example, dividing a building into separate floors, shall not be eligible for a contract rezoning agreement.
 - f. A management plan for the property and building proposed to be divided, particularly common site and building improvements.
 - g. The Planning Board may request additional information that it deems relevant to determine project compliance with applicable requirements of the City Code of Ordinances.
- (2) The Planning Board, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Planning Board may conduct additional public hearings at subsequent meetings at which it reviews the project, however, the Board is not required to conduct more than one public hearing. The Code and Planning Department, on behalf of the Board, shall provide the following public notifications associated with review of the application.
- a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Planning Board to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Department shall keep a record of all persons to whom notice is sent. A letter to abutting property owners is not required for any subsequent public hearings that the Board may conduct.
 - b. By posting notice of the initial public hearing in Belfast City Hall a minimum of 13 calendar days prior to the public hearing, and by posting notice of any additional public hearings in Belfast City Hall a minimum of 7 calendar days prior to the hearing.
 - c. By publishing notice of the initial public hearing in a local newspaper a minimum of 13 calendar days prior to the hearing. The City is not required to publish notice in a local newspaper of any additional public hearings.
- (3) The Planning Board shall prepare a written finding that describes project compliance with applicable requirements of City Code of Ordinances, including chapter 78, floodplain, chapter 80, in-town design review, chapter 82, shoreland, chapter 90, site plan, and chapter 102, zoning, article V, district regulations and article X, contract rezoning, division 5, and the City subdivision ordinance. The written findings shall describe why the Board recommended approval, recommended approval with conditions, or recommended denial of a request for a contract rezoning agreement. The Board also shall prepare a draft contract rezoning agreement which defines conditions that the Planning Board recommends be imposed on the project. Such conditions shall address the mandatory conditions which an applicant must satisfy, reference section 102-1504(a), and the discretionary conditions which an applicant must satisfy, reference section 102-1504(b). The applicant also shall prepare a plan that depicts all recommendations of the Planning Board.

If the applicant contests any requirements recommended by the Planning Board in the draft contract rezoning agreement, the applicant must prepare a written report that

specifically describes why it opposes all or certain terms of the Board's recommended contract rezoning agreement, and if applicable, prepare a site plan that illustrates alternative site concerns.

- (4) The Belfast Planning Board shall present its written findings and recommended contract rezoning agreement to the Belfast City Council, Step 4, reference section 102-1503(d). Any report from the applicant, reference (3) above, shall be presented to the City Council at the same time. The Planning Board may send a representative to the City Council, reference Step 4, to explain the findings of the Board and terms of the recommended contract rezoning agreement. The City Planner or his designee will assist in the presentation of the Board's findings and recommendations.

(c) Step 3, In-Town Design Review Committee.

An application for contract rezoning that involves the exterior renovation or alteration of an existing structure or structures, the demolition of an existing structure or structures, or the construction of a new structure or structures, shall be presented to the In-Town Design Review Committee. The In-Town Design Review Committee shall review an application and shall issue a written finding and recommendation to the Belfast Planning Board regarding project compliance with standards identified in the City Code of Ordinances, chapter 80, in-town design review. Committee review of an application shall occur concurrently with review by the Belfast Planning Board, step 2 above, so that the Committee can complete its review and recommendation prior to the Planning Board completing its review. The Committee, in conducting its review, shall consider all criteria identified in chapter 80 (intown design review) and this division (division 5), as well as the layout of the site and its relationship to surrounding buildings and properties, the alteration of existing structures, the demolition of existing structures, and the construction of new structures.

Step 3 shall involve the following procedures:

- (1) The applicant shall submit a written application to the Code and Planning Department for presentation to the In-Town Design Review Committee that includes, at a minimum, the following information:
- a. A description of the current use of the property and the use or uses proposed by the applicant.
 - b. A site plan at an appropriate scale that identifies the following: general boundaries of the property and its relationship to surrounding properties; existing structures located on the property; existing structures that are proposed to be divided or subdivided and how said division will be accomplished; alterations to existing structures and new structures proposed to be added; existing structures proposed to be demolished; and significant natural features on the property. The site plan also shall identify all parking areas, open areas and all public or private amenities.
 - c. Elevation drawings that identify all profiles of all existing structures and proposed alterations to such and all proposed structures. Such drawings shall include sufficient detail to allow Committee members to understand the type of building materials, building accents, entrances, windows, and roof lines proposed. These drawings shall be prepared by a licensed architect or engineer.

- d. The Committee may request additional information that it deems relevant to determine project compliance with chapter 80 requirements.
- (2) The In-Town Design Review Committee, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Committee may conduct additional public hearings at subsequent meetings at which it reviews the application, however, the Committee is not required to conduct more than one public hearing on the application. The Code and Planning Department, on behalf of the Committee, shall provide the following public notifications associated with review of the application.
- a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Intown Design Review Committee to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Department shall keep a record of all persons to whom notice is sent. A letter to abutting property owners is not required for any subsequent public hearings that the Committee may conduct.
- b. By posting notice of the initial public hearing in Belfast City Hall a minimum of 13 calendar days prior to the public hearing, and by posting notice of any additional public hearings in Belfast City Hall a minimum of 7 calendar days prior to the respective hearing.
- c. By publishing notice of the initial public hearing in a local newspaper a minimum of 13 calendar days prior to the hearing. The City is not required to publish notice in a local newspaper of any additional public hearings.
- (3) The membership of the In-Town Design Review Committee for the review of an application pursuant to this section shall be selected as prescribed in chapter 80, but shall include five regular members and may include one alternate member. The alternate member may participate in all reviews, but may only vote in the absence of a regular member.
- (4) The In-Town Design Review Committee shall issue a written finding and recommendation that shall be presented to the Belfast Planning Board, step 2 of this section, regarding compliance of the application with requirements of City Code of Ordinances, chapter 80 and requirements of this division (division 5). This written finding shall be issued within 30 days of the Committee vote to find that the application is or is not in compliance. The applicant shall prepare a plan that identifies recommendations of the In-town Design Review Committee and shall prepare a written statement that identifies the applicant's support or opposition to recommendations of the Committee. The In-Town Design Review Committee may send a representative to the Planning Board, reference step 2, to explain the Committee's findings to the Board. The City Planner or his designee will assist in the presentation of the Committee's findings and recommendations to the Planning Board.

(d) Step 4, City Council.

The City Council shall review and act on the findings of fact and draft contract rezoning agreement presented by the Planning Board, step 2 above, for an applicant that proposes to use

contract rezoning. Council consideration of such request constitutes an amendment to the City Code of Ordinances, chapter 102, zoning, and shall involve the following procedures.

(1) A contract rezoning application that has been approved, approved with conditions, or denied by the Planning Board shall be submitted to the City Council within 60 days of Planning Board action. This application also shall include a statement of consent or opposition by the applicant to contract rezoning agreement terms recommended by the Planning Board. Council consideration of the application shall occur in accordance with the ordinance adoption process that the Council regularly follows, and shall include the first reading of an amendment, and second reading and public hearing of an amendment.

(2) The Chair of the Planning Board, or his designee, assisted by the City Planner, or his designee, shall present the Board's findings and contract rezoning agreement to the Council. The City Planner or his designee shall attend subsequent Council meetings to respond to Council questions regarding the proposed contract rezoning agreement.

The applicant shall present its proposal at the ordinance amendment process and shall attend Council meetings to respond to Council questions regarding the proposed contract rezoning agreement, including its statement of consent or opposition to terms recommended by the Planning Board.

(3) The Code and Planning Department, on behalf of the City Clerk, shall provide the following public notices regarding the proposed ordinance amendment and contract rezoning agreement:

a. In writing by first class mail at least 14 calendar days prior to the first reading of the proposed ordinance amendment, and by first class mail at least 14 calendar days prior to the scheduled second reading and public hearing to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Code and Planning Department shall provide a record to the City Clerk of all persons to whom notice is sent.

b. By posting notice of each Council meeting in Belfast City Hall a minimum of 14 calendar days prior to the scheduled meetings.

c. By publishing notice of the second reading and public hearing in a local newspaper. At least one notice shall be published a minimum of seven days prior to the hearing.

(4) The Council, by majority vote, shall act to approve, approve with conditions, or deny an applicant's request for a contract rezoning agreement. The Council also may amend, as it deems appropriate, the terms of a contract rezoning agreement presented by the Planning Board. A contract rezoning ordinance amendment approved by the Council shall address all mandatory conditions identified in section 102-1504(a) and shall address all discretionary conditions identified in section 102-1504(b) that the Council determines are applicable.

(5) The applicant shall record a contract rezoning amendment approved by the City Council in the Waldo County Registry of Deeds within 60 days of its approval. Such amendment shall be enforced by the City Code and Planning Department as a deed covenant and zoning ordinance that applies to the property, and shall be binding on any heirs, successors and assigns to this property. The contract rezoning agreement for the respective property also shall be identified in the City Code of Ordinances, chapter 102, zoning.

Sec. 102-1504. Conditions of contract rezoning.

- (a) Mandatory conditions. All contract rezoning proposals shall:
- (1) Be consistent with the City comprehensive plan and any other supporting documents pertinent to said plan; and
 - (2) Include only conditions or restrictions that relate to the physical development or operation of the property.
- (b) Discretionary conditions. The Planning Board may recommend and City Council may adopt discretionary conditions that address the goals identified in section 102-1505 of this division, and the unique characteristics of how the proposed division or subdivision of an existing building and the accompanying land shall occur. It is expressly understood that the role of the Planning Board and the City Council in reviewing any proposal to divide or subdivide a building and property subject to the contract rezoning process is to ensure that the proposed division successfully addresses potential impacts on the community's character, services, infrastructure, economy and citizenry. Thus, the Planning Board and the City Council shall have broad discretion in identifying specific conditions of approval to allow a contract rezoning agreement for a specific building and property.

Sec. 102-1505 Minimum goals that applicant shall satisfy and City Planning Board and City Council shall address in approving a contract rezoning application.

All applications to divide or subdivide a building and property described in section 102-1501 shall address, at a minimum, the following goals and project requirements. The Planning Board and City Council shall use these goals and project requirements to identify the minimum standards that a proposed project application for a contract rezoning must satisfy. It is expressly understood that the Planning Board and City Council may impose specific standards as part of the contract rezoning process to ensure that community concerns regarding the use of the property address these issues in a good quality manner.

- (1) Use of site. The goal is to encourage uses in the Downtown Commercial zoning district that contribute to the economic health of the downtown and which complement the character of the area. Issues to consider include but are not limited to the following:
- a. What are the anticipated uses of the building and property that is proposed to be divided or subdivided? And, how is the type, size and number of uses which could occur affected by the proposed division?
 - b. Is housing a component of the project, and if so, how many dwelling units will be retained or constructed, and how will the proposed division affect the number of dwelling units?

- c. Do the proposed uses and location of property potentially require the provision of on-site parking, and if so, how does the proposed division affect the amount of on-site parking which can be provided?
 - d. How do the proposed uses complement or enhance existing uses of the area, and/or benefit public purposes, and what is the effect of the proposed division on these concerns?
- (2) Site lay-out and orientation to street. The goal is to achieve a site lay-out that complements and contributes to the character and functionality of the area and that promotes the economic and social health of the downtown; a lively downtown. How does the proposed division address this goal? Further, how is the building that is proposed to be divided oriented to the existing street, and does the proposed division have any impact on the City streetscape?
- (3) Parking areas. The Downtown Commercial zoning district includes areas in which on-site parking is not required, and areas in which on-site parking is required, subject to the authority of the Planning Board to approve an alternative parking approach. The goal is to ensure the proposed use and division of an existing building and property does not have an unreasonable adverse impact on public parking in the downtown. As such, the City will consider the following:
- a. If the property is located in a portion of the Downtown Commercial zoning district that potentially requires on-site parking, does the proposed division have an unreasonable adverse impact on the amount and location of on-site parking that is available at the time of the division or which could be provided post the division of the property?
 - b. Does the proposed division result in a potential increase in the amount of parking demand, be it on-site or public parking, and if so, is there adequate parking to address potential impacts regarding the amount of available parking?
- (4) Building appearance. The goal is to ensure that the proposed division of the building and property results in a building which complements the existing character and appearance of existing buildings and the streetscape. The City will consider if the division of the building and property is compatible with the streetscape and development in the surrounding area and the orientation of the front facade of the building that is divided to the street. The City will review the appearance of the building and proposed changes associated with the division of such, and determine if the division incorporates elements of high quality design.
- (5) Division of the Building and Property. The goal is to allow flexibility in the division of a property and building to create two or more lots in cases in which one or more of the lots that are created do not satisfy the minimum lot size or lot frontage requirement for the Downtown Commercial zoning district, however, the lots that are created must be of sufficient size and have a reasonable shape so as to allow the marketability and use of the property. The City will consider how the proposed division makes sense for the property owner, the downtown area in which the property is located, and the City. Factors which shall be considered include but are not necessarily limited to: any division of a building must also include a division of land; the division of the building and land shall result in the creation of lots which are appropriate for the property that is proposed to be divided; the degree to which the proposed division complements the character of the downtown, particularly the section of downtown in which the property is located; common improvements on the property and the proposal from the owner to effectively manage use and maintenance of the common improvements; and a

statement from the owner that identifies why the owner is proposing this division and why the owner believes the division satisfies requirements of this Division.

- (6) Site Improvements. The goal is to minimize potential adverse impacts associated with providing site improvements, if any, associated with the proposed division, and to ensure that such improvements satisfy requirements of City Ordinances. Site improvements that will be considered include but are not necessarily limited to: stormwater management, exterior lighting, solid waste collection and disposal, driveway, parking, landscaping, utility services.
- (7) Handicap accessibility. The goal is to ensure the proposed division enables handicap accessibility to the maximum extent practical, and that the division does not adversely affect handicap accessibility. The City, in its review of this goal, shall consider the degree to which the existing building is handicap accessible and how the proposed division will affect handicap accessibility. The applicant, in the application, shall identify how handicap accessibility is addressed.
- (8) Signs. The goal is to encourage signage that complements the site, structure and downtown, and require signage that complies with requirements of the City Sign Ordinance. The City will consider any new signage, if any, that is requested as part of the division and determine how such signage satisfies this goal statement.
- (9) Technical and financial ability of applicant. The goal is to ensure that the applicant has the financial and technical ability to successfully accomplish the proposed division. The applicant shall be responsible for demonstrating that they have the financial and technical ability to accomplish the proposed division of the property and building in a good quality manner and that they have a good quality management plan that will address issues associated with the proposed division.
- (10) Other concerns. The Planning Board and Council shall consider other factors that either believes is appropriate to determine if the requested contract rezoning proposal should be approved.

Sec. 102-1506. Decision not appealable.

Notwithstanding any provisions in this Division, a recommendation of the Planning Board or a decision of the City Council to approve, approve with conditions, or deny a contract rezoning proposal, shall not be appealable to the City Zoning Board of Appeals. Any appeal of a Planning Board recommendation issued pursuant to section 102-1503(b), or a City Council decision issued pursuant to section 102-1503(d), shall be appealed directly to the state court system.

Sec. 102-1507. Cost of contract rezoning process.

The applicant shall pay all costs associated with City review of a contract rezoning project, whether or not the project is approved.

Sec. 102-1508. Effective date of Amendments.

The amendments identified in this division shall become effective upon adoption by the City Council of the City of Belfast, and as described in the City Charter for the City of Belfast.

Sec. 102-1509. through Sec. 102-1550. (Reserved)

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING JUNE 7, 2016
CHAPTER 98, TECHNICAL STANDARDS
ON-SITE PARKING REQUIREMENTS - DOWNTOWN COMMERCIAL &
RESIDENTIAL 1 ZONING DISTRICTS**

Notes to Reader:

- 1) The Chapter 98, Technical Standards identify City construction and performance standards which an applicant must satisfy to obtain a permit. The standards address but are not limited to issues such as stormwater management, traffic management, utility construction and the amount and location of parking improvements.
- 2) The City adopted the Chapter 98, Technical Standard Ordinance in 1998. Article VIII, Parking and Loading Facilities, Section 98-245, Areas Exempt from Parking Requirements, identifies portions of the Downtown Commercial zoning district in which properties and proposed uses are currently exempt from the requirement to provide on-site parking. The Belfast City Council, as recommended by the Belfast Planning Board, is considering two amendments to this standard, including:
 - To increase the size of the area and number of properties which would be included in the portion of the Downtown Commercial zoning district that is exempt from the requirement to provide on-site parking, and to include one property in the Residential 1 zoning district, the First Church, in this same exempt area.
 - In the portion of the Downtown Commercial zoning district that is not included in the exempt parking area (on-site parking required), proposal authorizes the Code Enforcement Officer, rather than the Planning Board, to review and approve an application for an existing or new use that would be required pursuant to the Technical Standards to provide three or less new on-site parking spaces.
- 3) The Belfast City Council is conducting the First Reading of this proposal at its meeting of June 7, 2016, and anticipates conducting the Second Reading and public hearing at its meeting of June 21, 2016. The Belfast Planning Board conducted a public hearing regarding this proposal at its meeting of May 11, 2016, and voted 4 - 1 to recommend approval of the proposed amendments. The City Council has the authority to adopt the proposed amendments following the Second Reading.
- 4) Language that is proposed to be added to the Ordinance is identified in **Red Font**. Language proposed to be deleted from the Ordinance is identified in ~~Blue Strike Through Font~~. Language that is in Black Font is existing language that is not proposed to be amended.

TEXT OF PROPOSED ORDINANCE AMENDMENTS

Chapter 98. Technical Standards.

Article VIII. Parking and Loading Facilities.

Sec. 98-245. Areas **and Uses** exempt from parking requirement.

[Ord. No. 39-1998, § 8.2.4, 12-1-1998; Ord. of 1-5-2010(1)]

- A.** Notwithstanding the provisions of section 98-242, **in the Downtown Commercial zoning district**, there shall be no **on-site or** off-street parking required for existing uses or uses proposed to be permitted on any property in the areas identified on the map entitled; Areas Exempt from On-site Parking, Section 98-245. The ~~two~~ **three** areas **in the Downtown Commercial zoning district** which are exempt from on-site parking requirements, as such are shown on the above referenced map, are described below. Parcels identified by map and lot numbers in this section are based on the map and lot that were in effect in May 2008, **as such may have been revised through April 1, 2016.**

NOTE OT READER: REFER TO MAP FOR PROPERTIES NOW PROPOSED TO BE INCLUDED IN THE EXEMPT PARKING AREA.

- B.** **In the portion of the Downtown Commercial zoning district that is not identified on the map entitled, Areas Exempt from On-site Parking, Section 98-245, meaning that a use in this area is required to provide on-site parking, a new use or expansion of an existing use that requires an applicant to provide three or fewer parking spaces, reference table in Section 98-242, is exempt from the requirement to provide additional on-site parking. In all cases, this is a one-time exception for a specific property. Further, this exception shall not require the Planning Board to approve an alternative parking option pursuant to Section 98-246, however, nothing in this provision shall prohibit an applicant from requesting approval of an alternative parking option from the Planning Board. In addition, the Code Enforcement Officer, rather than the Planning Board, is authorized to grant a Use Permit for a new use or expansion of an existing use that satisfies the requirements of this provision.**
- C.** **Notwithstanding the provisions of section 98-242, in the Residential 1 zoning district, there shall be no on-site or off-street parking required for existing uses or uses proposed to be permitted on the property identified as Map 11, Lot 168, The First Church, as such is identified on the map entitled; Areas Exempt from On-site Parking, Section 98-245.**

NOTE - CODE AND PLANNING DEPARTMENT WILL WRITE SPECIFIC AMENDMENTS TO THE FOLLWING BOUNDARY DESCRIPTION TO REFLECT THE ABOVE CHANGES to CLAUSE A ABOVE ONCE SPECIFIC BOUNDARIES ARE RECOMMENDED BY THE PLANNING BOARD.

Area 1: Beginning at a point which is the centerline of the intersection of Main Street and Market Street; thence proceeding easterly along the centerline of Main Street until said centerline intersects with the centerline of Church Street; thence southeasterly along the centerline of Church Street until said centerline intersects with the centerline of Spring Street; thence northeasterly along the centerline of Spring Street until said centerline intersects with a projection of the rear (northerly) lot line for a parcel identified as Map 11, Lot 26; thence continue northwesterly along the rear lot line of Map 11, Lot 26, until said line intersects with the centerline of Beaver Street; thence northeasterly along the centerline of Beaver Street until said centerline intersects with the centerline of High Street; thence westerly along the centerline of High Street until said centerline intersects with the centerline of Pendelton Lane; thence northerly along the centerline of Pendelton Lane until said centerline intersects with the centerline of Cross Street; thence westerly along the centerline of Cross Street until said centerline intersects with the centerline of Main Street; thence northerly along the centerline of Main Street for a distance of 40 feet until said centerline intersects with a projection of the northerly side lot line for a parcel identified as Map 11, Lot 26; thence northwesterly along the side lot line for the parcel identified as Map 11, Lot 26 for a distance of about 50 feet to the northwesterly rear corner of this parcel; thence southerly along the rear boundaries of parcels identified as Map 11, Lots 123A, 123, 122, 121, 121A, 117, and after crossing Washington Street, the boundaries of parcels identified as Map 11, Lot 76, 75 and 74, to the southeasterly (rear) corner of a parcel identified as Map 11, Lot 90; thence westerly along the rear boundaries of parcels identified as Map 11, Lots 90, 89, 88, 87, 86, and 84, until said line intersects with the centerline of Bridge Street; thence southerly along the centerline of Bridge Street until said centerline intersects with the centerline of High Street; thence easterly along the centerline of High Street until said centerline intersects with the centerline of Market Street; and thence southeasterly along Market Street to the point of beginning. **Expand to include Post Office and all of lower Main Street.**

Area 2: This area includes the parcels identified as Map 11, Lot 37, which is an apartment complex, and Map 11, Lot 35, which is the City Library, both of which have street frontage on High Street. **Expand to include Unitarian Universalist Church.**

Area 3: Former Vincents Restaurant

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING JUNE 7, 2016
CHAPTER 102, ZONING
DIVISION 30, TABLE OF USES
DOWNTOWN COMMERCIAL ZONING DISTRICT**

Notes to Reader:

- 1) The Belfast City Council, as recommended by the Belfast Planning Board, in October 2014, adopted amendments to Chapter 102, Zoning, Article V, District Regulations, to create a common Table of Uses for all zoning districts located in the Inside the Bypass area. This Table identifies the respective uses that are allowed or prohibited in each zoning district, and identifies the party in the City that reviews a permit application, the Code Enforcement Officer or the Planning Board.
- 2) The Belfast Planning Board, at its meeting of May 11, 2016, conducted a public hearing regarding this proposal and voted unanimously (5-0) to recommend that the Council adopt the proposed amendments. The proposed amendments affect the current Table of Uses for the Downtown Commercial zoning district. The adopted Table of Uses identifies that the Planning Board is responsible for the review and approval of many of the Use Permits. The recommended amendments would result in certain Use Permit applications that are located in the portion of the Downtown Commercial zoning district that does not require on-site parking, reference the map included in Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-245, Areas and Uses Exempt from Parking Requirements, being subject to review and approval by the Code Enforcement Officer rather than the Planning Board. The Board is recommending this approach because many of the Use Permit applications that are submitted involve the reuse of an existing structure, and do not involve new improvements to the land. In such cases, there are very few or no issues for the Planning Board to consider. The Board views this recommendation as an appropriate method to streamline the City permit review process.
- 3) The City Council is scheduled to conduct the First Reading of the proposed amendments at its meeting of June 7, 2016. The Council is tentatively scheduled to conduct the Second Reading and public hearing on the proposed amendments at its meeting of June 21, 2016. The Council, following the public hearing, has the authority to approve the amendments as presented, to approve the amendments with revisions, or to reject the amendments.
- 4) Language that is proposed to be added to the Ordinance is identified in **Red Font**. Language proposed to be deleted from the Ordinance is identified in **Green Font**. Language that is in Black Font is existing language that is not proposed to be amended.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

DIVISION 30, TABLE OF USES

SECTION 102-850 Use Table

Note to Reader: Proposed amendments to the Use Table are identified on the attached Table of Uses.

Section 102-851 Footnotes to Use Table

The Footnotes identified below apply to the Use Table identified in Section 102-850. The respective footnote identifies additional requirements that apply to the use identified in the Use Table. The footnotes are identified in the Use Table by the following designation: * [number].

Footnote 8. In the portion of the Downtown Commercial zoning district in which a Use is exempt from the on-site parking requirement, reference Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Sec. 98-245. Areas and Uses exempt from parking requirement, the City Code Enforcement, rather than the City Planning Board, shall have the authority to review and act on a Use Permit application.

TYPE OF USE	Residential 1 (New)	Residential 2 (New)	Residential 3 (New)	Downtown Commercial (New)	Working Waterfront Mixed Use 1 (New)	Working Waterfront Mixed Use 2 (New)
Dwelling, single-family	P-CEO	P-CEO	P-CEO	NO	NO	NO
Accessory apartment to a Single-family residential unit in a detached Accessory Structure (See Footnote *1)	P-CEO	P-CEO	P-CEO	NO	NO	NO
Dwelling, two-family	P-CEO	P-CEO	P-CEO	NO	NO	NO
Dwelling, multi-family (3 or more units in one structure)	NO	P-PBR *2	P-PBR *2	P-PBR	P-PBR *3	P-PBR *3
Dwelling, multi-family in a residential planned unit development	NO	P-PBR *2	P-PBR *2	P-PBR	P-PBR *3	P-PBR *3
Planned unit development (PUD), residential	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR *3	P-PBR *3
Rural affordable housing development PUD	NO	NO	NO	NO	NO	NO
Open space subdivision PUD	P-PBR	P-PBR	P-PBR	NO	NO	NO
Manufactured housing on a chassis/mobile home	NO	NO	NO	NO	NO	NO
Manufactured housing (units on permanent foundation)	NO	NO	NO	NO	NO	NO
Manufactured housing community (units on chassis) or mobile home park	NO	NO	NO	NO	NO	NO
Accessory residential structures	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Accessory residential uses	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Accessory non-residential structures	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Accessory non-residential uses	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Accessory residential uses on the upper stories of commercial and office buildings	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Yard sales, residential held no more than 10 days in a calendar year	P	P	P	P	P	P
Home occupation class 1: Small scale	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Home occupation class 2: Mid-scale	P-PBR	P-PBR	P-PBR	P-CEO	P-CEO	P-CEO
Home occupation class 3: Large scale	NO	NO	NO	NO	NO	NO
Owner occupied boarding or owner occupied lodging house with up to 3 borders or lodgers	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Owner occupied boarding or owner occupied lodging house with 4 or more borders or lodgers	NO	P-PBR	P-PBR	P-PBR	NO	NO
Owner occupied group home or owner occupied hospice with a capacity of up to 8 residents	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Owner occupied group home or owner occupied hospice with a capacity of 9 or more residents	NO	P-PBR	P-PBR	P-PBR	NO	NO
Group home with a capacity of up to 8 residents	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Group home with a capacity of 9 or more residents	NO	P-PBR	P-PBR	P-PBR	NO	NO
Up to 6 residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Levels I, II and III Residential Care Facility and State defined Levels I, II and III Private Non-Medical Institution]	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Seven or more residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Level IV Residential Care Facility, and State defined Level IV Private Non-Medical Institution]	NO	P-PBR	P-PBR	P-PBR	NO	NO
Nursing home/Nursing center/Nursing facility	NO	P-PBR	P-PBR	NO	NO	NO
Bed and breakfast class 1	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Bed and breakfast class 2	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Bed and breakfast class 3	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Bed and breakfast, non-owner occupied	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO
Hotel and motel	NO	NO	NO	P-PBR *8	P-PBR	P-PBR
Convention center	NO	NO	NO	P-PBR *8	P-PBR	P-PBR
Campground excluding Recreation Vehicle (RV) Park	NO	NO	NO	NO	NO	NO
Recreation Vehicle (RV) park including motor homes	NO	NO	NO	NO	NO	NO
Cemetery	NO	NO	NO	NO	NO	NO
Church, religious facility	P-PBR	P-PBR	P-PBR	P-PBR *8	NO	NO
Community center	NO	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Social club	NO	P-PBR	P-PBR	P-PBR *8	NO	NO
Care facility, child care facility serving up 12 children. [State defined Small Childcare Facility for 3 -12 children]	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Care facility, child care facility serving more than 12 children. [State defined Child Care Center]	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Care facility, youth and adult	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
School, private/parochial	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
School, public/charter	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Dance studio	NO	NO	P-PBR	P-PBR *8	P-PBR	NO
Fitness center	NO	NO	NO	P-PBR *8	P-PBR	NO
Recreational facility, indoor	NO	NO	NO	P-PBR *8	NO	NO
Recreational facility, outdoor excluding motorized vehicles	NO	NO	NO	NO	NO	NO
Recreational facility, outdoor including motorized vehicles	NO	NO	NO	NO	NO	NO
Municipal uses deemed necessary by the City Council for which the council shall hold a public hearing with ten days' public notice given	P	P	P	P	P	P
Museum	NO	NO	NO	P-PBR *8	P-PBR	P-PBR
Shooting or rifle range	NO	NO	NO	NO	NO	NO
Parking facility	NO	NO	P-PBR	P-PBR *8	P-PBR	P-PBR
Public park	P	P	P	P	P	P
Theater/Performing arts center	NO	NO	NO	P-PBR *8	P-PBR	P-PBR
Drive-in movie theater	NO	NO	NO	NO	NO	NO
Theater, outdoor	NO	NO	NO	P-PBR *8	P-PBR	P-PBR
Quasi-public and non-municipal public uses	P-PBR	P-PBR	P-PBR	P-PBR *8	P-PBR	P-PBR
Recreational or community activities	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
Amusement park	NO	NO	NO	NO	NO	NO

TYPE OF USE	Residential 1 (New)	Residential 2 (New)	Residential 3 (New)	Downtown Commercial (New)	Working Waterfront Mixed Use 1 (New)	Working Waterfront Mixed Use 2 (New)
Motor vehicle repair with a maximum of three vehicles offered for sale on the property as an accessory use.	NO	NO	NO	P-PBR*[8]	NO	NO
Motor vehicle repair with a maximum of six vehicles offered for sale on the property as an accessory use.	NO	NO	NO	NO	NO	NO
Motor vehicle repair business.	NO	NO	NO	P-PBR*[8]	NO	NO
Motor vehicle fuel sales.	NO	NO	NO	P-PBR*[8]	NO	NO
Motor vehicle sales including automobiles, snowmobiles, utility-terrain vehicles (UTV) and all-terrain	NO	NO	NO	NO	NO	NO
Recreational vehicle sales, motor homes, heavy trucks, and related equipment sales, repairs and services.	NO	NO	NO	NO	NO	NO
Mobile home, manufactured home and modular home sales.	NO	NO	NO	NO	NO	NO
Restaurant, fast food.	NO	NO	NO	NO	NO	NO
Restaurant, formula	NO	NO	NO	NO	NO	NO
Restaurant with indoor seating.	NO	NO	P-PBR*[4]	P-PBR*[8]	P-PBR	P-PBR
Restaurant with outdoor seating.	NO	NO	NO	P-PBR*[8]	P-PBR	P-PBR
Restaurant, take out.	NO	NO	NO	P-PBR*[8]	P-PBR	P-PBR
Restaurant with drive through window.	NO	NO	NO	NO	NO	NO
Restaurant, ice cream stand.	NO	NO	P-PBR*[4]	P-PBR*[8]	P-PBR	P-PBR
Funeral home/mortuary.	P-PBR	P-PBR	P-PBR	NO	NO	NO
Dry cleaner or Laundromat.	NO	NO	NO	P-PBR*[8]	NO	NO
Personal services.	NO	NO	NO	P-PBR*[8]	P-PBR	NO
Professional offices. (SEE FOOTNOTE ON SIZE)	NO	NO	P-PBR	P-PBR*[8]	P-PBR	P-PBR
Retail stores, both a single retail store (use) and a structure in which a retail store (use) or stores are located, that are greater than 40,000 square feet in size, but less than 75,000 square feet in size.	NO	NO	NO	P-PBR*[8]	NO	P-PBR
Retail stores, small-scale, up to 20,000 square feet in size.	NO	NO	NO	P-PBR*[8]	P-PBR	NO
Retail stores, mid-scale, between 20,001 and 39,999 square feet in size.	NO	NO	NO	P-PBR*[8]	NO	P-PBR
Shopping centers, including mixed use development (service, general merchandise clothing and grocery retail, building supply, restaurant, and/or office in the same complex), provided that no structure in the shopping center is greater than 75,000 square feet, and provided that the gross floor area of all structures is less than 150,000 square feet.	NO	NO	NO	NO	NO	NO
Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet, but less than 75,000 square feet in size.	NO	NO	NO	NO	NO	NO
Convenience stores up to 5,000 square feet in size.	NO	NO	NO	P-PBR*[8]	P-PBR	NO
Redemption centers for beverage containers.	NO	NO	NO	P-PBR*[8]	NO	P-PBR
Planned unit development, non-residential.	YTBD	YTBD	YTBD	YTBD	YTBD	NO
Light industrial/Light manufacturing.	NO	NO	NO	P-PBR*[8]	P-PBR*[5]	YTBD
Manufacturing, processing and industrial activities, including accessory retail.	NO	NO	NO	P-PBR*[8]	P-PBR*[5]	P-PBR*[5]
Bituminous asphalt plant/mixing operations.	NO	NO	NO	NO	NO	P-PBR*[5]
Storage, commercial exterior.	NO	NO	NO	NO	P-PBR*[5]	NO
Research laboratory.	NO	NO	P-PBR	P-PBR*[8]	P-PBR*[5]	P-PBR*[5]
Storage, self-storage facility.	NO	NO	NO	NO	NO	P-PBR*[5]
Storage tanks for petroleum products, including propane for sale.	NO	NO	NO	P-PBR	P-PBR*[5]	NO
Storage, facility/warehouse.	NO	NO	NO	P-PBR*[8]	P-PBR	P-PBR*[5]
Septage, storage and spreading.	NO	NO	NO	NO	NO	P-PBR
Junkyards, including auto graveyards.	NO	NO	NO	NO	NO	NO
Health care facilities/offices.	NO	NO	P-PBR	P-PBR*[8]	P-PBR	NO
Health services.	NO	NO	P-PBR	P-PBR*[8]	P-PBR	P-PBR
Hospital.	NO	NO	YES	NO	NO	P-PBR
Aquaculture.	NO	NO	NO	NO	P-PBR	NO
Boat building/repair/refitting/storage that includes onsite sales.	NO	NO	NO	NO	P-PBR	P-PBR
Commercial storage of boats.	NO	NO	NO	NO	P-PBR	P-PBR
Lobster pound and fish/seafood processing.	NO	NO	NO	NO	P-PBR	P-PBR
Marinas and marina related service businesses.	NO	NO	NO	NO	P-PBR	P-PBR
Docks, floats and similar uses that occur below the normal high water mark.	NO	NO	NO	NO	P-PBR	P-PBR
Water borne transportation and recreation.	NO	NO	NO	P-PBR	P-PBR	P-PBR
Commercial agricultural, dairy and horticultural activities.	NO	P-PBR*[6]	NO	NO	NO	P-PBR
Commercial Poultry.	NO	P-PBR*[6]	NO	NO	NO	NO
Non-commercial domestic chicken raising.	P-PBR	P-PBR	P-PBR	NO	NO	NO
Slaughterhouse.	NO	NO	NO	NO	NO	NO
Horses and horse barns/Stables.	NO	P-PBR*[6]	NO	NO	NO	NO
Animal breeding, husbandry.	NO	P-PBR*[6]	NO	NO	NO	NO
Craft sales.	NO	NO	NO	P-CEO	P-CEO	NO
Farm stand.	NO	P-PBR*[6]	NO	NO	NO	P-CEO
Farmers Market including food and craft sales.	P-PBR	P-PBR	P-PBR	P-PBR*[8]	P-PBR	NO
Fill, loam, sand, and gravel extraction operations provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.	NO	NO	NO	NO	NO	P-PBR

TYPE OF USE	Residential 1 (New)	Residential 2 (New)	Residential 3 (New)	Downtown Commercial (New)	Working Waterfront Mixed Use 1 (New)	Working Waterfront Mixed Use 2 (New)
Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program.	NO	NO	NO	NO	NO	NO
Fill activities that exceed 25 cubic yards.	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	NO
Commercial agricultural greenhouse or nursery: Sale of materials, plants or similar items commonly associated with landscaping activities.	NO	P-PBR [6]	NO	P-PBR [8]	P-PBR	P-CEO
Tree farm.	NO	P-PBR [6]	NO	NO	NO	P-PBR
Animal kennel Class 1.	NO	NO	NO	NO	NO	NO
Animal kennel Class 2.	NO	NO	NO	NO	NO	NO
Veterinary clinic and veterinary hospital.	NO	NO	P-PBR	NO	NO	NO
Forestry: Woodlot management and timber harvesting.	NO	P-PBR	NO	NO	NO	NO
Forestry: Commercial firewood processing.	NO	NO	NO	NO	NO	NO
Hydropower generation.	NO	NO	NO	NO	P-PBR	NO
Aviation and uses accessory to aviation.	NO	NO	NO	NO	NO	P-PBR
Stealth telecommunications facilities.	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR	NO
Minor telecommunications facilities (TO BE DEFINED) including co-location on existing structures.	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR
Telecommunications facilities.	NO	NO	NO	NO	NO	P-PBR
						NO
<i>Notes:</i>						
Shoreland Zones and Shoreland Uses are not shown.						
YTBD= Yet to Be Determined						

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: June 2, 2016

RE: First Reading - Proposed Ordinance Amendments - Residential 1, 2 and 3 zoning districts

REQUESTED ACTIONS

The Belfast Planning Board is recommending that the City Council adopt the following amendments to the City Code of Ordinances that apply to the Residential 1, Residential 2 and Residential 3 zoning districts. I am requesting three actions from the Council at your June 7 meeting.

Action #1. Conduct the First Reading of each of the amendments outlined below. The First Reading is your opportunity to ask any questions and to identify potential revisions that you may like to make to the proposals.

Action #2. Schedule the Second Reading and public hearing for the Council meeting of June 21.

Action #3. Provide direction to staff regarding how you would like to provide public notice of the hearings. The City will publish notice of the June 21 hearing in the Republican Journal and on the City website. In addition, do you want to send letters to the property owners who are affected by the establishment of the traditional neighborhood setback? I note that several property owners from Cottage and North Ocean Street attended the Planning Board hearing to ask questions and I believe the Board responded to their questions. Also, I would recommend not sending notice of the proposed front yard parking restriction change since this affects all property owners in this zone and the amendments mostly constitute a clarification of the existing prohibition. Our Department will use whichever approach you prefer.

TRADITIONAL FRONT SETBACK REQUIREMENT

In October 2014, the City implemented using Traditional Neighborhood setbacks to determine the minimum amount of front setback requirement for structures located in the Residential 1, Residential 2 and Residential 3 zoning districts. As you may recall, these setbacks vary from street to street and are generally based on the amount of setback for existing structures. The amount of setback falls into one of seven standards: 5 feet, 10 feet, 15 feet, 20 feet, 25 feet, 30 feet, 40 feet or 60 feet. The City has a map that identifies all the front setback requirements that were adopted. This method of determining front setback replaced the former universal standard of 25 feet that previously applied to these zoning districts.

Inadvertently, when the Department prepared the front setback map, we omitted identifying the amount of front setback requirement for about 25 properties located inside the bypass. The purpose of the proposed amendments is to now identify the amount of setback for properties which were previously missed. The streets that are affected are: Birch Street, Pearl Street (section southwesterly of Congress Street), Wildwood Lane, Cottage Street (easterly side of street), and Ocean Street (westerly side of street that is located between Race Street and Condon Street). The proposed amount of setback is shown on the attached maps. The front setback requirement for other properties and streets located in the Residential 1, Residential 2 or Residential 3 zoning districts are not affected by the proposed amendments.

Several property owners from the Cottage Street and Ocean Street area attended the May 11 Planning Board public hearing mostly to ask questions about the proposal. No specific comment was offered in support or opposition to the proposal. I view the proposed amendments largely as a house-keeping matter; meaning that the revisions are needed so that the setback map is complete.

FRONT YARD PARKING RESTRICTION - CHAPTER 98, TECHNICAL STANDARDS

The Chapter 98, Technical Standards, address parking requirements for the City. One of the provisions in the Standards applied to the former Residential I and Residential II zoning districts, and generally prohibited a property owner from locating parking in the area between the street and the house/business, unless the parking was located in front of a garage. The City, in October 2014, adopted new zoning district designations for the Inside the Bypass area. The new designations eliminated the former Residential I and II districts and generally replaced such with the Residential 1, 2 and 3 zoning districts. Thus, the City needs to consider revising its Technical Standard requirements to ensure that they apply to the newly established districts.

The Planning Board, in discussing this issue, debated the value of the Ordinance provision. The Board generally believes that the front yard parking restriction in these urban areas makes sense and that the former provisions should be continued, subject to several changes.

The changes clarify when and how the front yard parking restriction applies, and also establishes a clear process through which a property owner could request that the Board consider granting a waiver to potentially allow parking in the front yard, and the standards/issues which the Board must consider. I would encourage the Council to read through the proposal to get a better sense of how it would apply to properties located in most of the area located inside the bypass. Again, this is not a real change from past Ordinance policy, but we believe it more clearly defines when and how the policy is applied.

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING TUESDAY, JUNE 7, 2016
CHAPTER 102, ZONING
TRADITIONAL FRONT SETBACK REQUIREMENT
RESIDENTIAL 1 ZONING DISTRICT**

Notes to Reader:

- 1) The Belfast City Council, as recommended by the Belfast Planning Board, in October 2014, adopted amendments to Chapter 102, Zoning, Article V, District Regulations, to change the approach the City uses to determine the minimum front setback requirement for structures located in the Residential 1, Residential 2 and Residential 3 zoning districts. These amendments were part of a comprehensive package of amendments to Chapter 102, Zoning, for the area located Inside the Bypass.

Prior to October 2014, the front setback requirement for any structure located in a residential zoning district in the Inside the Bypass area was 25 feet from the front lot line. The 2014 amendments resulted in the City using 'traditional neighborhood setbacks' to determine the front setback requirement, meaning that the amount of setback is based on existing development patterns on a particular street. As such, the amount of setback may vary from street to street, and is one of eight setback standards; 5 feet, 10 feet, 15 feet, 20 feet, 25 feet, 30 feet, 40 feet or 60 feet. The amount of setback required is identified on the City front setback map that is part of Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards.

- 2) The Code and Planning Department, in reviewing the map that it adopted to implement the 'traditional neighborhood setback' requirement, determined that several streets or portions of streets were inadvertently omitted from the map, meaning that the new front setback standard was not adopted for all properties in the Residential 1 zoning district. The affected streets include: Birch Street, Pearl Street (section southwesterly of Congress Street), Wildwood Lane, Cottage Street (easterly side of street), and Ocean Street (westerly side of street that is located between Race Street and Condon Street). The Planning Board is now proposing to establish the front setback requirement for these streets; reference attached maps. The front setback requirement for other properties and streets located in the Residential 1, Residential 2 or Residential 3 zoning districts are not affected by the proposed amendments
- 3) The Planning Board conducted a public hearing regarding this proposal at its meeting of May 11, 2016. Two persons attended the public hearing and the Board addressed the questions that were raised. Following the public hearing, the Board voted 5-0-2 (two absent) to recommend that the Council adopt the proposed amendments.
- 4) The Council is scheduled to conduct the First Reading of the proposed amendments at its meeting of June 7, 2016, and to conduct the Second Reading and public hearing regarding

the proposal at its meeting of June 21, 2016. The Council, following the public hearing, has the authority to adopt, adopt with revisions, or to reject the Ordinance amendments.

- 5) Language that is proposed to be added to the Ordinance is identified in **Red Font**. Language proposed to be deleted from the Ordinance is identified in ~~Blue Strike Through Font~~. Language that is in Black Font is existing language that is not proposed to be amended.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

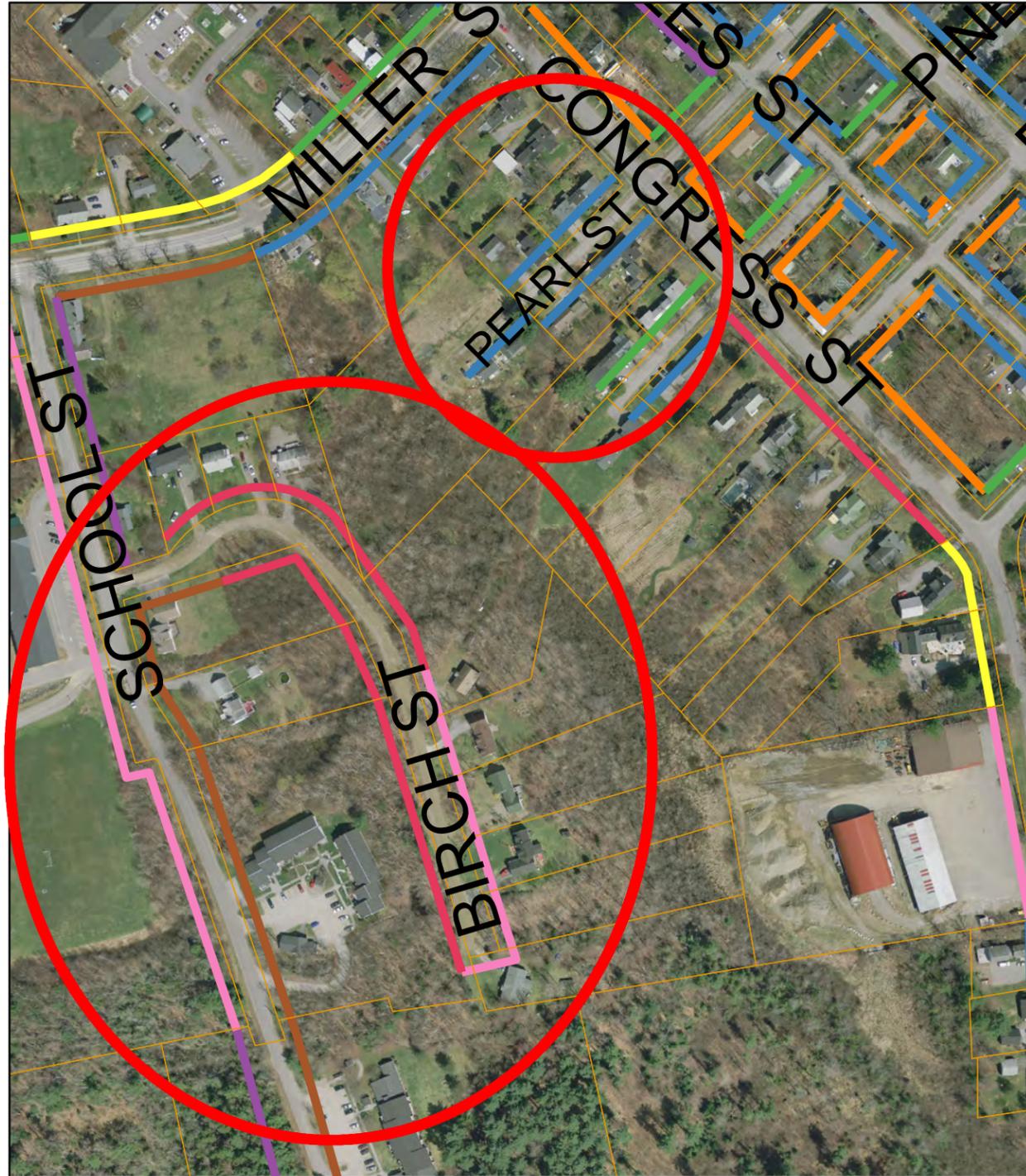
DIVISION 31, DIMENSIONAL STANDARDS

Minimum Front Setback for Structures

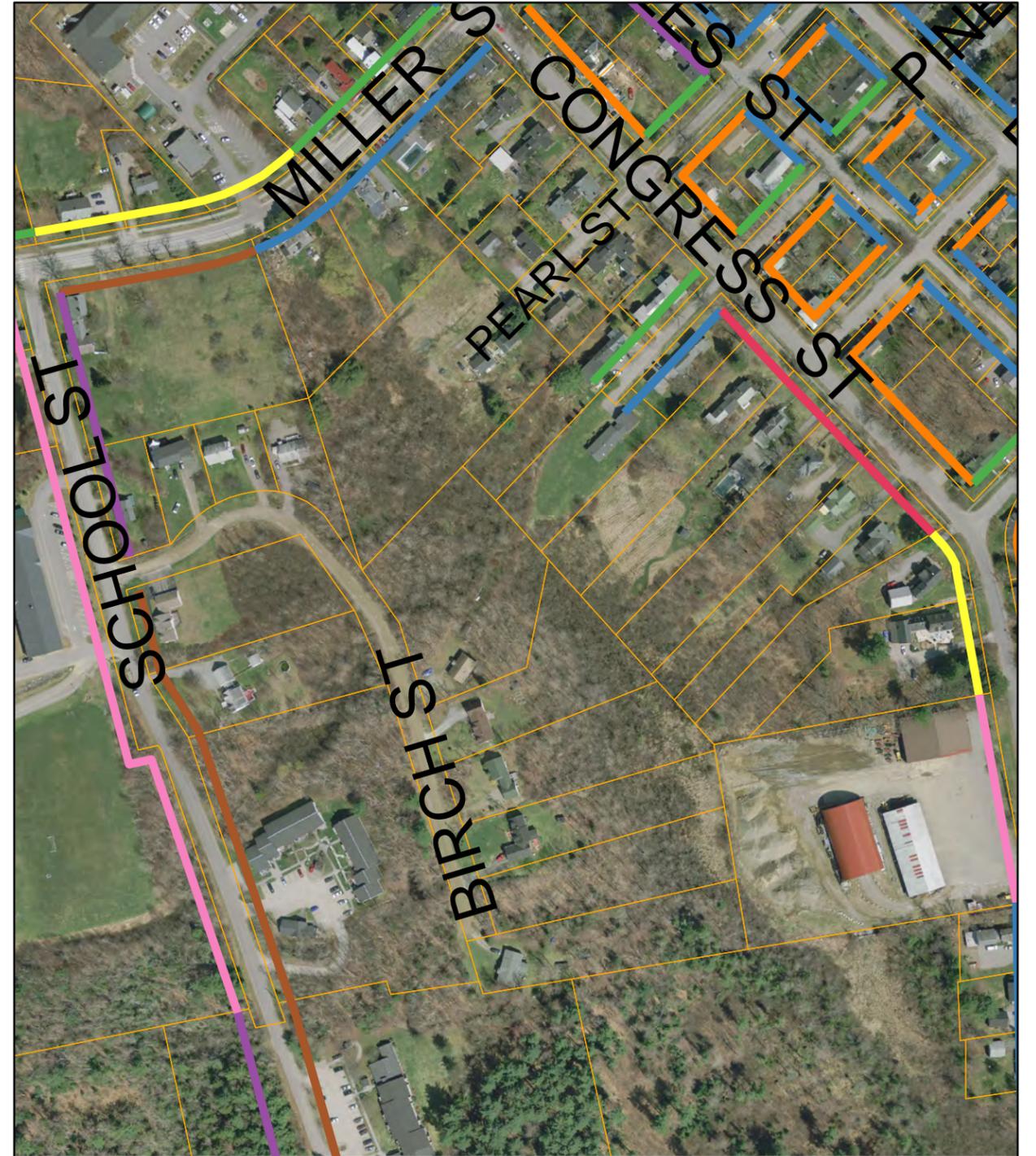
The minimum front setback requirement for properties located on the streets or portions of said streets identified below that are in the Residential 1 zoning district are established pursuant to the attached maps. The City will use these maps to revise the traditional neighborhood setback map for the Residential 1, Residential 2 and Residential 3 zoning districts that the City adopted in October 2014. The streets affected by this amendment include: Birch Street, Pearl Street (section southwesterly of Congress Street), Wildwood Lane, Cottage Street (easterly side of street), and Ocean Street (westerly side of street that is located between Race Street and Condon Street).

SSD Birch St. & Pearl St. MAY, 2016

Updated SSD



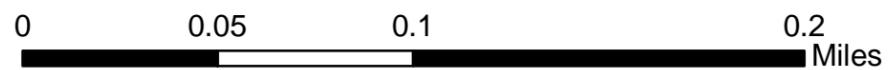
Previous SSD



Legend

- Parcels
- 5 feet
- 10 feet
- 15 feet
- 20 feet
- 25 feet
- 30 feet
- 40 feet
- 60 feet

Amount of required structure setback from front lot line.



SSD Charles St. MAY, 2016

Updated SSD



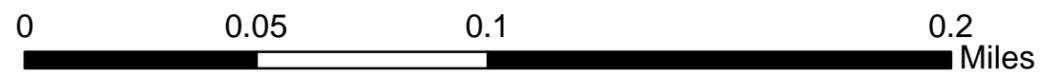
Previous SSD



Legend

- Parcels
- 5 feet
- 10 feet
- 15 feet
- 20 feet
- 25 feet
- 30 feet
- 40 feet
- 60 feet

Amount of required structure setback from front lot line.



SSD Cottage Street & Ocean Street MAY, 2016

Updated SSD

Previous SSD



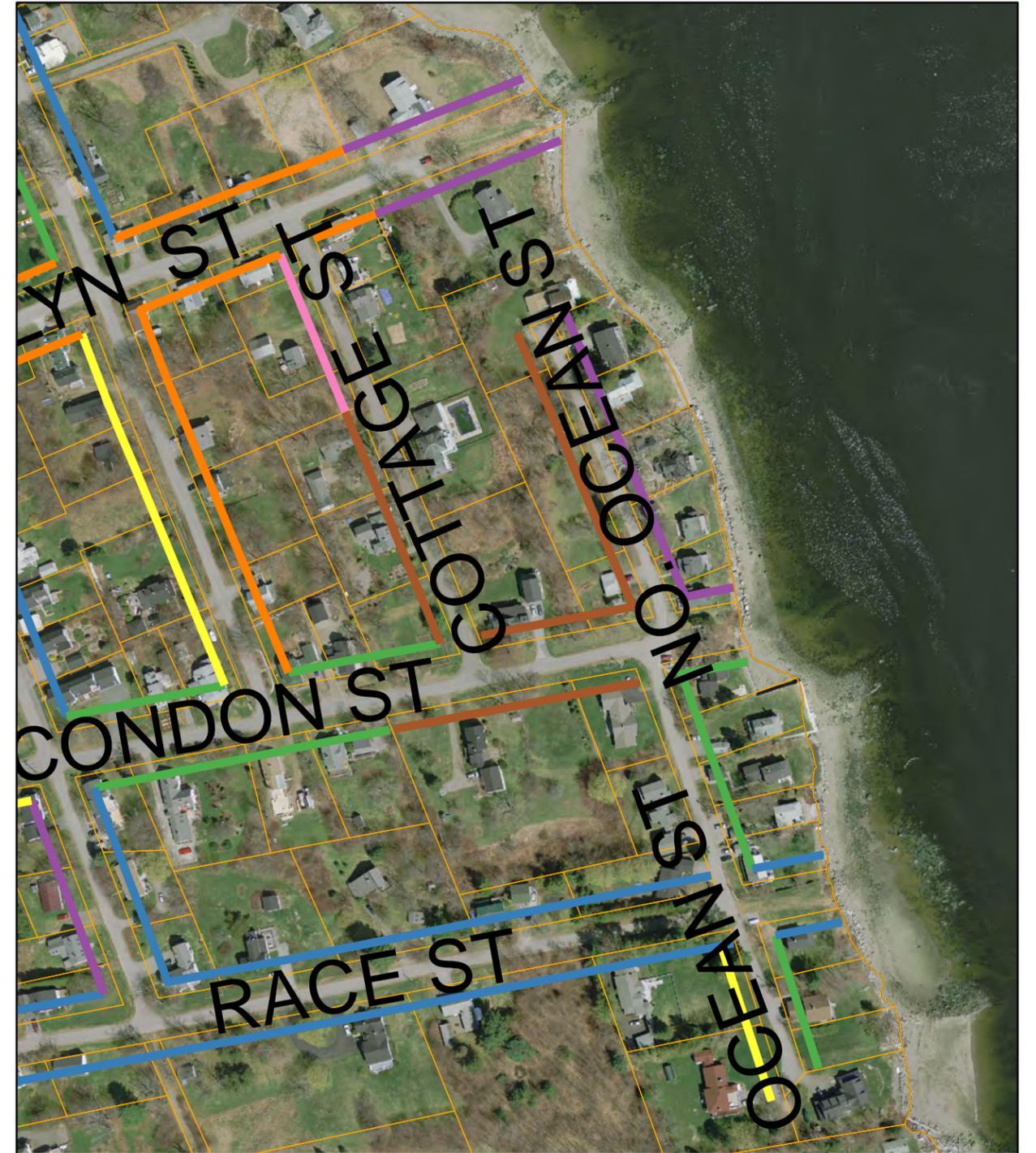
Legend

- Parcels
- 5 feet
- 10 feet
- 15 feet
- 20 feet
- 25 feet
- 30 feet
- 40 feet
- 60 feet

Amount of required structure setback from front lot line.



0 0.05 0.1 0.2 Miles



**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING TUESDAY, JUNE 7, 2016
CHAPTER 98, TECHNICAL STANDARDS
FRONT YARD PARKING RESTRICTION**

Notes to Reader:

- 1) The Chapter 98, Technical Standards identify construction and performance standards which the City applies to development proposals and permits. The standards address but are not limited to issues such as: stormwater management, traffic management, utility construction, and the amount and location of parking improvements.
- 2) The City adopted the Chapter 98, Technical Standard Ordinance in 1998. Article VIII, Parking and Loading Facilities, Section 98-247, Front Yard Parking Restricted in Certain Districts, established certain restrictions regarding where parking can occur in the Residential I, Urban District and the Residential II District. The Planning Board is now proposing several revisions to this requirement, partly because Ordinance provisions adopted by the City in October 2014 eliminated or amended the above zoning districts and changed the boundaries of these zoning districts to become the newly established Residential 1, Residential 2 and Residential 3 zoning districts.
- 3) The Planning Board conducted a public hearing regarding this proposal at its meeting of May 11, 2016. No public comment was offered at the public hearing. The Board, following the public hearing, voted 5-0-2 (two absent) to support Council adoption of the proposed amendments.
- 4) The Council is scheduled to conduct the First Reading of the proposed amendments at its meeting of June 7, 2016, and to conduct the Second Reading and public hearing regarding the proposal at its meeting of June 21, 2016. The Council, following the public hearing, has the authority to adopt, adopt with revisions, or to reject the Ordinance amendments.
- 5) Language that is proposed to be added to the Ordinance is identified in **Red Font**. Language proposed to be deleted from the Ordinance is identified in ~~Blue Strike Through Font~~. Language that is in Black Font is existing language that is not proposed to be amended.

TEXT OF PROPOSED ORDINANCE AMENDMENTS

Chapter 98. Technical Standards.

Article VIII. Parking and Loading Facilities.

Section 98-247. Front Yard Parking Restrictions ~~in Residential 1, Residential 2 and Residential 3~~ **Certain** Districts

[Ord. of 1-5-2010(1)]

A. In the Residential ~~I 1, and Residential H 2, and Residential 3~~ Districts, no off-street parking shall be located in the front yard, **subject to the following exceptions: The Planning Board may grant relief from this front yard parking provision provided that:**

a. (1) Parking is for a single-family or two-family residence, ~~single-family occupancy only~~ provided the parking area is located in front of a private garage.

(2) Parking is for a home occupation that occurs in a single family residence, the amount of parking required for the home occupation is 2 vehicles or less, and the parking area is located in front of a private garage.

~~b. (3) In the case of a or b identified above, a A~~ plan shall be submitted to the Code Enforcement Officer showing the location of existing and ~~or~~ proposed structures, location of ~~the existing and proposed~~ driveways **and dimensions of the driveways, and** location of ~~the existing and/or~~ proposed parking **areas and dimensions of the parking areas and the construction standard for the driveways and parking areas.**

~~c. On the plan, the front yard parking area shall not be more than 400 square feet in area and the driveway shall not exceed 20 feet in width.~~

~~d. There shall be no front yard parking for a home occupation or any use other than a single-family house.~~

(4) The parking area is located on Map 33, Lot 21, which is owned by Waldo County General Hospital, and is in located in an area approved by the City of Belfast Planning Board.

~~This provision in no way prohibits parking in front of a private garage for a single-family residence or a two-family residence.~~

B. Planning Board authority to waive parking restrictions.

(1) The Belfast Planning Board, consistent with the authority granted to the Board pursuant to Division 2 of this Chapter, shall have the authority to waive the front yard parking restrictions for any use identified in A above in the Residential 1, Residential 2 or Residential 3 districts, provided the applicant can demonstrate to

the Board that at least two of the following conditions exist on the property:

- a. The configuration of the property and existing or proposed structures on the property make it impractical, unfeasible and uneconomical to locate some or all of the parking in an area other than the front yard;**
 - b. There are environmental constraints on the property, such as but not limited to floodplains, wetlands, and steep slopes, that make it impractical, unfeasible and uneconomical to locate some or all of the parking in an area other than the front yard;**
 - c. The existing parking on the property is located in the front yard, and the most appropriate and practical location for additional parking is adjacent to the existing parking area;**
 - d. The location of the driveway, either existing or proposed, makes it impractical, unfeasible and uneconomical to locate the parking in an area other than in the front yard;**
 - e. Other properties located on the same street and in the same vicinity of the property which is requesting a waiver have front yard parking that is not located in front of a garage; and**
 - f. Circumstances similar to the above which the Board finds appropriate.**
- (2) The Belfast Planning Board may consider a waiver of the front yard parking restriction for a use that is not identified in paragraph A above, provided that the Board finds that an application satisfies the requirements identified in both paragraph B (1) and Division 2 of this Chapter.**

AGENDA TOPIC 10.

TO: Mayor & City Council
FROM: Wayne Marshall, City Planner
DATE: June 2, 2016
RE: First Reading - Proposed Ordinance Amendments - Definitions

REQUESTED ACTIONS

The Belfast Planning Board is recommending that the City Council adopt amendments to two definitions identified in Chapter 66, General Provisions. I am requesting two actions from the Council at your June 7 meeting.

Action #1. Conduct the First Reading of the amendments. The First Reading is your opportunity to ask any questions and to identify potential revisions that you may like to make to the proposals.

Action #2. Schedule the Second Reading and public hearing for the Council meeting of June 21.

BACKGROUND INFORMATION

This proposal involves two amendments to the current Ordinance definitions identified in Chapter 66, General Provisions. The two definitions involve the issue of lot frontage.

The Belfast Code allows back lots (lots with no street frontage) and the City has been adopting Ordinance provisions to encourage the creation and development of back lots. Thus, the Planning Board is recommending a specific definition so it is clear what is considered a back lot. And, with the adoption of the above definition, the City needs to revise its current definition of lot frontage.

The two amendments are largely house-keeping matters.

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
FIRST READING - TUESDAY, JUNE 7, 2016
CHAPTER 66, GENERAL PROVISIONS**

Notes to Reader:

- 1) Chapter 66, General Provisions, identifies most definitions that apply to all sections of Subpart B, Land Use Regulations, of the City Code of Ordinances. The Belfast Planning Board is proposing amendments to the current definition of Lot Frontage, and to establish a new definitions for a Back Lot. The amendments are intended to facilitate interpretation of current zoning requirements.
- 2) The Planning Board conducted a public hearing regarding this Ordinance proposal at its meeting of May 11, 2016. No public comment was offered at the hearing. The Board voted 5-0-2 (two absent) to recommend that the Council support the Ordinance amendments.
- 3) The Council is scheduled to conduct the First Reading of the proposed amendments at its meeting of June 7, 2016, and to conduct the Second Reading and public hearing regarding the proposal at its meeting of June 21, 2016. The Council, following the public hearing, has the authority to adopt, adopt with revisions, or to reject the Ordinance amendments.
- 4) Language that is proposed to be added to the Ordinance is identified in **Red Font**. Language proposed to be deleted from the Ordinance is identified in ~~Blue Strike Through Font~~. Language that is in Black Font is existing language that is not proposed to be amended.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 66, GENERAL PROVISIONS

Sec. 66-1. Definitions.

- (a) The purpose of this section is to provide a list of terms and their meanings so as to assist applicants and others in understanding the terms used in subpart B, Land Use Regulations. Unless incorporated by reference in another chapter or another city ordinance, the definitions in this section are not controlling.

Further, definitions that are unique to a specific chapter of subpart B, Land Use Regulations, can typically be found in that specific chapter rather than this chapter. For example, definitions unique to Chapter 78, Floods, and Chapter 82, Shoreland, can be found in said chapters. Applicants and others are encouraged to consult the other chapters of subpart B, Land Use Regulations, for a list of terms and their meanings that may apply to a specific chapter.

(b) In the interpretation and enforcement of subpart B, all words shall carry their customary dictionary meanings. For the purpose of subpart B, certain words and terms are defined as follows:

- (1) City means The City of Belfast.
- (2) Municipal officers means the City Council.
- (3) Tense and number. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- (4) Shall, may. The word "shall" is always mandatory; the word "may" is permissive.
- (5) Person. Includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.
- (6) Lot. The word "lot" includes the words "plot" and "parcel."
- (7) Building. The word "building" includes the word "structure."

(c) The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

LOT (*Note to Reader - Existing Definition*)

A registered or recorded parcel of land of at least sufficient size to meet minimum zoning requirements for use and dimensions, and to provide such yards and other open spaces as required by City ordinances. An easement shall not be considered a lot.

LOT, BACK (Back Lot)

A back lot is a registered or recorded parcel of land of at least sufficient size to satisfy the minimum lot size requirement identified in Chapter 102, Zoning, however, it is a lot that does not and is not required to have frontage on a public or private street. At least one dimension of a back lot shall be equal in length to the minimum lot frontage requirement in effect for the respective zoning district in which the lot is located, and for a back lot that is 2 acres or less in size, the length to width ratio of the lot shall not exceed a ratio of 5 to 1. Also, a structure located on a back lot does not need to satisfy a front setback requirement for structures. A structure located on a back lot shall be located no less than the minimum side setback requirement from any lot line.

LOT FRONTAGE

The linear distance between the sidelines of a lot, measured along the lot line that fronts on a road right-of-way. ~~As described in the standards for each zoning district in the zoning regulations (chapter 102), lot frontage shall mean:~~

- ~~(1) The frontage of the road right-of-way if the lot fronts on a road; or~~
- ~~(2) If a lot has no frontage on a road, the shortest dimension of the lot, provided a rectangle may be located on the lot which has for its dimensions the shortest dimension by the shortest dimension times 1.25.~~

MEMORANDUM

May 31, 2016

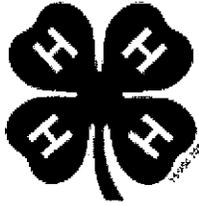
To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Formal Request for Use of Boathouse – Waldo County 4-H Club

The City has received a formal request from Jodie Martin, Treasurer for Waldo County 4-H Club to use the Boathouse at “no cost” for a fundraiser to assist the group with scholarships for youth to attend the National 4-H trip to Washington D.C., 4-H Camp and Learning Center and enrichment programs. This is a decision I am not authorized to make but would support a community service work day by the 4-H Club in exchange for use of the Boathouse. The other option would be to allow the use of the Boathouse at a rate consist with other organizations in the City (ie: Waldo County Y) when doing fundraisers – 40% of the week day rate - \$72 - even though the date of use is June 24th from 4-9pm in addition to the \$75 security deposit.

The Boathouse is not in use that weekend and I strongly feel this facility needs to be made available for use which benefits the area service organizations and the community. I would work with the 4-H Club on a community service project – possibly spreading playground wood chips at City Park playground if that is the route Council would like to pursue.



WALDO COUNTY 4-H LEADERS' ASSOCIATION

992 Waterville Rd • Waldo ME 04915
(207) 342-5971

Association Officers

President
David Schofield

Vice President/Treasurer
Frank Whiting

Secretary
Marilyn Schofield

Treasurer
Jodie Martin

Waldo County Executive Committee

Treasurer
Anne Rothrock

University of Maine Cooperative Extension

4-H Youth Development
Staff

Extension Educator
Richard Kersbergen

*Food Systems/Youth
Development
Professional*
Viña Lindley

*4-H Community
Education Assistant*
Joyce Weaver

To whom it may concern,

My name is Jodie Martin. I am treasurer of the Waldo County 4-H Leader's Association. On May 9th I contacted Norm Poirier inquiring about the use of the Boathouse for a county 4-H fundraiser. I understand that the Boathouse rental fee may be waived if the group interested in using the premises provides collaboration services to Belfast. UMaine Extension outreach programs serve Belfast community members and beyond.

UMaine Extension is the outreach educational program of the University of Maine, our land grant university. For more than 100 years, we've been putting university research to work in homes, businesses, farms, and communities—in every corner of Maine. Our educational efforts focus on the Maine Food System, Positive Youth Development, and Community and Economic Development.

In Waldo County, Extension educational programs are focused on 4-H, Food Systems (Agriculture, Food Corp, Food Preservation) and Maine Families. In the Belfast area over 200 youth are connected to 4-H through after-school programs (The Game Loft, RSU 71) and adults are engaged in life learning at the University of Maine's Hutchinson Center. As you can see, UMaine Extension continues to provide expertise support to community members.

Through the combined efforts of the Waldo County 4-H Leaders' Association and the Waldo County Extension Association, scholarships are available for youth to apply for *National* 4-H educational trips (Citizenship Washington Focus, 4-H Conference, 4-H Congress), pursuing college education, 4-H Camp and Learning Center summer camp programs and 4-H enrichment programs.

In order to make scholarships available, 4-H volunteers and Extension Executive Board volunteers must plan and hold annual fundraisers making scholarships possible for youth in Belfast and throughout Waldo County. All money that is raised is designated for positive youth development experiences supporting Waldo County youth.

4-H is a community of young people across America who are learning leadership, citizenship, and life skills.

UMaine Extension's 4-H programming reaches Belfast youth and adults. 4-H must raise monies in order to support positive youth development programs. During our fundraising campaign, the location is highly connected to the success of fundraising efforts. Your support using the Boathouse at no cost would help considerably. If it helps for 4-H to engage in a community service role to waive the cost using the Boathouse, I would be happy to explore this further with you and with our Waldo County 4-H Leaders' Association.

Thank you for your consideration. If I can answer any further questions that you may have, please feel free to give me a call at 930-9876.

Sincerely Yours,

A handwritten signature in cursive script that reads "Jodie M. Martin".

Jodie Martin

10.F

MEMORANDUM

June 1, 2016

To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Facility Use Request – Pendleton Party at City Park Pavilion

Cc: Belfast Parks and Recreation Commission

The Belfast Parks and Recreation Department has received a Facility Use application from Edna Pendleton for use of the Pavilion in City Park on July 9, 2016 from 11:30 a.m. to 3:30 p.m. for a Family Reunion. This request will be presented to the Parks Commission at the next scheduled meeting on Thursday June 9, 2016 and is expected to be approved.

The recommendation by the Department and the most likely the Commission will be to approve the request with the requirement of a \$100 use fee – this would be consistent with a similar request and decision made by the City.

The Department will be installing a sign in the area of the City Park pavilion explaining the process of group reservations for use of this park amenity and contact information.

**Request to use Facilities that
Belong to the Citizens of the City of Belfast
Updated February 5, 2015**

All applications and related documents bring to the Parks and Recreation Office at City Hall. 338-3370 Ext 27. The City Manager's Office will act as a backup.

The City of Belfast owns Streets, sidewalks, parks, land and buildings. It is the policy of the City that property belonging to the citizens of Belfast be available to the public. Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property.

This is a planning checklist for your benefit as well as the City's. **If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.** Approvals cannot be given to individuals or groups who are uncertain of their plans.

Please attach maps, additional sheets, event outlines etc. - that help to explain your request.
If any of the following questions do NOT apply to your event simply write N/A (not applicable) in the space provided. Thank you.

1. State your name, phone number, e-mail address and identify whom you represent?

Edna Pendleton 763-3583 ependleton7@gmail.com
Pendleton Family

If you are not going to be the primary contact for this event – then who is and please provide their full name, phone number and email address:

2. Describe in detail the nature of this event (What are you planning on?):

Family reunion - we would like to use the large covered Pavilion

3. What facilities would you like to use or what permissions are you seeking with respect to City buildings, Parks, Lands, Streets, sidewalks? Please be specific.

Large covered Pavillion in the City Park

4. What **dates and times** do you wish to have this event?

7/9/2016 11³⁰_{am} - 3³⁰ or 4

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

N/A NO

If yes then who will manage these closed off Streets?

N/A

6. Are you asking the City for anything other than use of the facilities you have described above?

No

7. How many people do you expect?

60 - 80

8. Will you be selling things at this event? What and by who if not you?

No

9. Will any alcohol be served or consumed at this event? (If yes provide details)

Where? - Attach MAP No

By Whom: Name and Phone contact number:

10. Does this event call for any type of open fire - including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

NO - may use the grill outside the pavilion

11. Will you be renting spaces to vendors on City Property? Yes _____ No

If yes where do you propose they set up? (MAP Location) _____

12. Describe what type of vendor and the charges you propose to assess against them.

N/A

13. Will you have insurance in the amount of \$1,000,000 that also names the Inhabitants of the City of Belfast as an additional named insured party to hold the City of Belfast harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

N/A

14. Who is your insurance agent that will provide proof of this coverage to the City?

N/A

15. Noise: What kind of noise do you expect to generate at this event and during which specific periods of time?

just lots of laughing!

16. How do you propose to handle garbage removal?

use garbage can provided; or let me know if we should take it with us.

17. How do you propose to handle parking?

parking area should be plenty

18. How do you propose to handle security?

N/A

19. How do you propose to handle the need for restrooms?

use what's available in the park

20. What is your plan/need for electricity or water?

No Need

21. Have you spoken to the neighbors in the area of this event and discussed traffic, noise, parking etc. with them?

N/A

22. Who will be in charge of the event during the event and what are their home phone numbers, cell phone numbers, and email addresses - where they can be reached before and during this event?

Edna Pendleton
home 763-3583 ependleton7@gmail.com
cell 930 0884

23. Are you requesting any services from the City? Be specific on the services you are asking for

NO

Department

Service Requested

City Manager

_____ N/A _____

Police

_____ N/A _____

Fire/ Ambulance

_____ N/A _____

Parks

_____ only use of covered picnic table pavillion _____

Public Works

_____ N/A _____

Harbor

_____ N/A _____

Other? we will walk around shore if low tide + Kids may go to playground

Remember, if any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.

Last year we arrived + swept out the pavillion + picked up a little trash that was left behind. We really enjoyed the space, very much appreciated! we left it clear that it was when we arrived. The 4 picnic tables were great. I brought 3 tables to use to put our food on so it worked out perfectly!
Please let me know as soon as possible that we can use this again. Thank you



FACILITY USE APPLICATION CHECKLIST

- Application complete with contact names and contact information
- Specific facility or park requested
- Dates/times of the event and extra set-up time if necessary
- Specific request of City services:
 - electrical needs
 - street closures
 - police assistance
 - trash removal
- Vendor permits (necessary if serving alcohol)
- Parking plan
- Insurance Certificate (need to receive two weeks prior to event)
- Map/diagram of event layout
- Music can not reach a volume level of more than 7 on controls
- Plan for restroom facilities
- Scheduled meeting with City Representative

My signature attests to the review of the checklist and the realistic view of the event provided to the City. Any deviation from the written request is grounds for cancellation of the event by the City of Belfast without notice.

Signature Edna Pendleton Date: 05/19/2016

Printed Name: Edna Pendleton

10. G

MEMORANDUM

May 31, 2016

To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Letter Requesting to Use City Park Pavilion

The Department received a written request to use the City Park Pavilion on Saturday June 11th from 12noon-5:00 p.m. for a Benefit Cook-out for the family of Chris Wily. Chris passed away this spring and his friend Jessica Malo has requested use of the pavilion area for a benefit cook-out.

I would like to grant this request with no fee for use of the pavilion due to the purpose of the benefit – to help the family with funeral cost. The Park has no conflicts on the date requested, June 11th.

5-19-16

Hello my name is Jessica
malo. My Friend Chris Weily
Passad away May 14th 2016

I would like to have
a benfit Cook out for his
family to help get money
for his furnel and head
Stone. I would like to Request
the Belfast City Park for
June 11 @ @ 12:00 p.m to
alest 5:00 p.m. He was a
Close friend and I would
Really like to help his
family

Thank you
for your time

- Jessica
~~Mallo~~

Email

Jessicamalo85@gmail.com

AGENDA TOPIC 10.

TO: MAYOR & CITY COUNCIL
FROM: WAYNE MARSHALL, CITY PLANNER
DATE: JUNE 2, 2016
RE: NO ACTION LETTER, DAVID GOLDSCHMIDT, WONDERVIEW
CAMPGROUND

RECOMMENDED ACTION

I am recommending that the Council approve a 'No Action Letter' for David Goldschmidt who owns Cottage Unit #14 in the Wonderview Campground located at 213 Searsport Avenue. The 'No Action Letter' would allow Mr. Goldschmidt to renovate and expand this Cottage to be 858 square feet in size rather than the maximum size identified on the Planning Board approved Wonderview Subdivision and Site Plan, which is 608 square feet.

This cottage is a nonconforming structure located in the Limited Residential District of the Shoreland Zone, thus, neither the Planning Board or Code Enforcement Officer has the authority to allow the requested expansion; the expansion can only be allowed through Council issuance of a 'No Action Letter'. I am recommending this Letter because Mr. Goldschmidt partly relied upon information provided by our Department in making the decision to purchase the property and the fact that some of the information we provided was inaccurate.

I have attached the draft No Action Letter for Council consideration. Also attached are: a letter from David Goldschmidt, a letter from the Wonderview Condominium Association, an excerpt from the approved Wonderview Subdivision and Site Plan, information submitted by Mr. Goldschmidt in his Building Permit application to construct an 858 square foot cottage, and my March 3, 2016 letter to Mr. Goldschmidt regarding the proposed No Action Letter.

BACKGROUND INFORMATION

In April, I asked the Council to approve two No Action Letters regarding two properties on Belmont Avenue because the property owners took several actions in violation of City Ordinances. I stated that the most practical way to address the violations was to issue a No Action Letter from the Council which means that the City would not prosecute the violations caused by the owners, provided the owners have no future violations. The No Action Letter I am now recommending for David Goldschmidt has the same effect, but I am requesting such for a different reason. In this case, one of the issues that occurred is that our Department provided inaccurate information to Mr. Goldschmidt and he partly relied upon this information in making the decision to purchase cottage 14. In short, I believe the No Action Letter is appropriate to help resolve an error that we made.

In 2015, David Goldschmidt purchased cottage unit 14 in the Wonderview Condominium project on Searsport Avenue. There are strict and identified limits on the maximum size of the cottage units, and in the case of unit 14, the size restriction is partly because the original cottage does not comply with the minimum structure setback requirement (75 feet) from the normal high water mark in the Limited Residential district of the shoreland zone. City Shoreland Ordinances and State law limit the maximum amount of expansion to 30% in volume and area for a structure which does not conform to the setback requirement. In the case of cottage unit 14, the approved plan allowed an expansion from 488 square feet to 608 square feet. Mr. Goldschmidt, in making his decision to purchase the property, reviewed a 2010 building permit our Department errantly issued that would allow the renovated cottage to be 858 square feet in size, and discussed his building plans with the CEO. The CEO similarly initially relied upon information in the 2010 permit and discussed information that would be needed to allow an 858 square foot cottage. However, by the date (2+ months later) that Mr. Goldschmidt had prepared architectural plans to submit with his official building permit, our Department identified the error in the 2010 permit and stated that we could not allow any cottage that was greater than 608 square feet in size. This news obviously was a shock to Mr. Goldschmidt.

Although I believe our Department and the City has no legal liability regarding our decision to deny Mr. Goldschmidt a permit to construct an 858 square foot cottage, I openly acknowledge that information we provided to him was a key factor in why he believed he could construct a cottage of this size and why he choose to purchase the property. As such, I feel compelled to seek a means to honor information provided by our staff and to allow him to construct a larger cottage. As I noted, because this cottage is a nonconforming structure in the Shoreland Zone, neither the CEO or Planning Board has the authority to allow a cottage expansion of more than 30%. The only way to allow an expansion is to issue a No Action Letter in which the City agrees not to prosecute the property owner if they choose to build a cottage of this size.

The proposed No Action Letter identifies Conditions that Mr. Goldschmidt must comply with to build the larger cottage. I note that Tod Rosenberg, CEO, has reviewed revised architectural plans that were submitted 7 days ago and we believe that these plans can likely satisfy requirements of the City Building Code. I also note that Mr. Goldschmidt is currently constructing a cottage that is 608 square feet in size pursuant to a building permit the CEO issued to him in November 2015, and that if this No Action Letter is approved, he will increase the size of the cottage now under construction.

I will close by stating that I could write pages and pages to describe all of the steps and issues involved in why I have come to the conclusion of supporting a No Action Letter. This is a complex matter that also tangentially involves adopted changes (2015) to the State Shoreland Guidelines and how the City chooses to implement such (amendments to current Shoreland Ordinances are now being prepared for public hearing by the Planning Board). While I regret any errors which our Department may have made, both Mr. Goldschmidt and our staff were doing their best to understand and apply the Ordinances and plan approvals as they thought they understood such. From time to time, mistakes will occur. I believe this is one of those rare times when it is appropriate to take the unusual step of approving a No Action Letter because of information provided by Department staff.

**CITY COUNCIL OF CITY OF BELFAST, MAINE
NO ACTION LETTER
WONDERVIEW CAMPGROUND
MAP 28, LOT 11, COTTAGE 14**

WHEREAS, the City of Belfast Planning Board, on November 4, 2009, approved a subdivision plan, site plan and shoreland permit application submitted by SAAD Enterprises for the Wonderview Campground located at 213 Searsport Avenue, Map 28, Lot 11. The approved plan authorized SAAD Enterprises to take the following actions: to subdivide the property into two lots, to renovate and expand the existing 19 cottage units, to construct 8 new cottage units, and to convert the campground to a condominium form of ownership. The Board approved plans identified the maximum amount of expansion permitted for each of the existing 19 cottage units, including the maximum amount of expansion permitted for 6 cottage units located in the Limited Residential District of the Shoreland Zone (reference City Code of Ordinances, Chapter 82, Shoreland) that did not conform to the minimum setback requirement of 75 feet from the normal high water mark (NHWM).

WHEREAS, SAAD Enterprises, on October 25, 2010, was issued a building permit by the City Code Enforcement Officer (CEO), permit #141-2010, to renovate and expand cottage unit 14. Cottage unit 14 is located within 75 feet of the NHWM and is nonconforming with respect to the minimum amount of structure setback from the NHWM. Belfast Planning Board Condition #18 and related requirements identified on the Subdivision Plan stipulated that cottage unit 14 could be expanded from its original size of 488 square feet to a maximum size of 608 square feet; which is the maximum amount of expansion (30%) permitted by Chapter 82, Shoreland, City Code of Ordinances and the State Shoreland law. Building Permit #141-2010 issued by the CEO, however, errantly authorized SAAD Enterprises to construct cottage unit 14 to be 858 square feet in size. SAAD Enterprises, however, never constructed the renovated cottage unit 14 pursuant to terms of the above Building Permit, thus, pursuant to City Ordinances, that Building Permit expired 2 years (October 25, 2012) after the date it was issued.

WHEREAS, David Goldschmidt, in 2015, purchased cottage unit 14 and initiated the process of obtaining a Building Permit to renovate and expand this cottage. In the process of applying for a Permit, the CEO initially relied upon information identified in the previously issued Building Permit (#141-2010) to identify the maximum size of cottage that would be permitted, but prior to issuance of a new permit, the Code and Planning Department recognized that the size of cottage permitted in 2010 was in error and informed Mr. Goldschmidt that it would only allow an expansion that complied with requirements of the Subdivision Plan; a 608 square foot renovated cottage rather than an 858 square foot cottage. Mr. Goldschmidt noted that he had relied upon information in the previously issued Building Permit and information provided to him by the CEO, and that he had incurred considerable expense to hire architectural services to design a cottage that was 858 square feet in size and which would satisfy requirements of the City Building Code (Chapter 74), Flood Ordinance (Chapter 78) and Shoreland Ordinance (Chapter 82).

WHEREAS, the CEO, on November 4, 2015, issued a building permit, Permit #104-2015, requested by David Goldschmidt, that authorized him to renovate and expand cottage unit 14 to

be a maximum of 608 square feet in size, which is the maximum size permitted on the approved November 9, 2009 Wonderview Cottages Subdivision and Site Plan. The CEO determined that Mr. Goldschmidt's building permit application complied with City requirements. Mr. Goldschmidt applied for this permit so he could begin construction, however, he continued to express strong interest in constructing cottage unit 14 to be 858 square feet in size; the size that he thought the unit could be when he purchased it.

WHEREAS, the Code and Planning Department recognizes that Mr. Goldschmidt, in making the decision to purchase cottage unit 14, relied upon information identified in the 2010 building permit for this cottage and his discussions with Department staff when he initially pursued a new building permit for cottage unit 14. The Department also recognizes that Mr. Goldschmidt incurred considerable expense in using architectural services to pursue a permit based to some degree on information provided him by the Department, as well as information provided by the owner of the Wonderview Condominiums. While the Department never issued a building permit to Mr. Goldschmidt to construct cottage unit 14 to be 858 square foot in size, Mr. Goldschmidt, based on the research he conducted, had expectations that he could construct this unit to be 858 square feet in size.

WHEREAS, David Goldschmidt, owner of cottage unit 14, in a letter dated March 14, 2016, has requested that the Belfast City Council consider allowing him to construct cottage unit 14 to be 858 square feet in size, and understands that he would need to comply with conditions established by the City to allow such construction.

WHEREAS, the Wonderview Condominium Association has submitted a letter to the Belfast City Council dated March 27, 2016, in which the Association states its support of allowing Mr. Goldschmidt to construct cottage unit 14 to be a maximum of 858 square feet in size, and the Association's understanding that should the City allow such, that such a decision would apply solely to cottage unit 14.

NOW THEREFORE BE IT RESOLVED, that the Belfast City Council agrees to issue a No Action Letter to David Goldschmidt that will allow him to construct cottage unit 14 at the Wonderview Campground to a maximum size of 858 square feet, and acknowledges that the City will not prosecute him for constructing cottage unit 14 to that size, provided that Mr. Goldschmidt complies with all of the following conditions:

- 1) Mr. Goldschmidt shall submit a Building Permit and Shoreland Permit application to the City Code Enforcement Officer (CEO) to construct cottage unit 14 to be a maximum of 858 square feet in size. This application shall include architectural plans that demonstrate that the proposed construction shall comply with all requirements of the City Building Code, reference Chapter 74, and City Shoreland Ordinance, Chapter 82, City Code of Ordinances. This Building Permit and Shoreland Permit application shall be considered as an amendment to Building Permit # 104-2015 issued to Mr. Goldschmidt on November 4, 2015. The CEO must approve all proposed amendments before any of the construction associated with enlarging the cottage from 608 square feet to 858 square feet can commence. Mr. Goldschmidt, as may be required, shall submit amended electrical and internal plumbing permit applications that may be associated with a larger cottage.

- 2) Pursuant to the requirements of Chapter 82, Shoreland, State Shoreland Law, and the approved Wonderview Subdivision and Site Plan, none of cottage unit 14 can be located closer to the NHWM than the footprint of cottage unit 14 that existed on the date of approval of the Wonderview Subdivision and Site Plan, November 4, 2009. To verify such, Mr. Goldschmidt shall engage the services of a licensed surveyor to provide documentation to the CEO that identifies the amount of setback from the NHWM for the original structure and the renovated cottage that is constructed pursuant to Building Permit #104-2015, as such Permit may be amended.
- 3) Mr. Goldschmidt, pursuant to Building Permit # 104-2015 and amendments to said Permit that he is seeking, intends to construct a foundation for cottage unit 14 that is about 8 feet in height. Chapter 82, Shoreland, and requirements of the approved Wonderview Subdivision and Site Plan, allow this foundation area to be used for 'storage' and non-habitable space, however, this area cannot be converted to habitable space. In accepting this 'No Action Letter', Mr. Goldschmidt further consents to using all of the foundation area only as non-habitable space and affirms that he will not convert such area to habitable space.
- 4) Mr. Goldschmidt commits to complying with all Permit conditions established by the City in constructing cottage unit 14, and that he shall ensure his contractors and agents timely request inspections from the CEO of work performed, and that they rectify deficiencies in project construction that may be identified by the CEO. Failure to comply with terms of said permits that are issued shall result in the owner being assessed penalties established in the City Code of Ordinances, with said amount to accrue based on the date of violation.
- 5) The Wonderview Condominium Association, in a letter dated March 27, 2016, acknowledged its support of the City issuing a Building Permit to allow Mr. Goldschmidt to expand cottage unit 14 to be 858 square feet in size. Mr. Goldschmidt, should he choose to construct cottage unit 14 to be larger than the 608 square foot maximum identified on the approved Wonderview Subdivision and Site Plan, acknowledges that while the City can choose to issue a building permit to allow a larger cottage, that the City relied upon the above letter from the Association, and that the City is not responsible for actions that the Association may choose to pursue against Mr. Goldschmidt regarding the expansion that he requested.
- 6) Notwithstanding the terms of Conditions 1-5 above, if City Ordinances and the Wonderview Condominium Subdivision and Site Plan are amended to allow cottage unit 14 to be larger than the 608 square feet shown on the approved Plans and the 858 square feet in size permitted through this No Action Letter, no Condition in this No Action Letter shall prohibit Mr. Goldschmidt or the Wonderview Condominium Association from submitting an application to expand this cottage as may be permitted in accordance with the amended laws and plans.

This No Action Letter is issued by the City Council of the City of Belfast, pursuant to a public vote taken by the Council at its meeting of June 7, 2016. The Council authorized the City Manager to sign the No Action Letter on their behalf. The terms of this No Action Letter shall apply to Mr. Goldschmidt and all legal heirs, assigns and successors. If Mr. Goldschmidt fails to

comply with terms of the No Action Letter, the Letter shall be voided and withdrawn by the City, and the City can prosecute any new violations of City Ordinances and all violations of City Ordinances identified in the No Action Letter. Any and all amendments to this No Action Letter shall require the approval of the City Council of the City of Belfast. Mr. Goldschmidt shall be responsible for the recording of this No Action Letter, and shall provide evidence of its recordation to the Code and Planning Department.

NOTARY SIGNATURES of David Goldschmidt and Joseph Slocum will be part of this No Action Letter

To: Belfast City Council

From: David Goldschmitt

RE: 39 Wonderview Circle

March 27, 2016

City Council Members:

I am hereby requesting consideration of a building permit to modify the initial construction plans based upon a November 4, 2015 building permit issued by the City which expands the square footage of the structure to 858 square feet. Enclosed are the proposed modifications to the original building plan, forwarded to the City Planning Department, which, to the best of my knowledge, will satisfy all other existing building and zoning codes of the City and will be supervised during construction by the inspectors of the building planning department of the City of Belfast. Thank you for your kind consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Goldschmitt', written in a cursive style.

To: Belfast City Council

From: Wonderview Condominium Association/Wonderview Cottages

Representative and Director of the Association: John Zinkovitch

March 27, 2016

Members of the City Council:

Wonderview Condominium Association has no objection to increasing the maximum construction square footage of the dwelling at 39 Wonderview Circle (Cottage #14) to 858 square feet. We fully understand that this consideration applies only to changes in the single property located at 39 Wonderview Circle due to the special circumstances and are not applicable to any of the other properties under Association jurisdiction. We also understand that the building will be subject to all ordinances and codes of the City of Belfast.

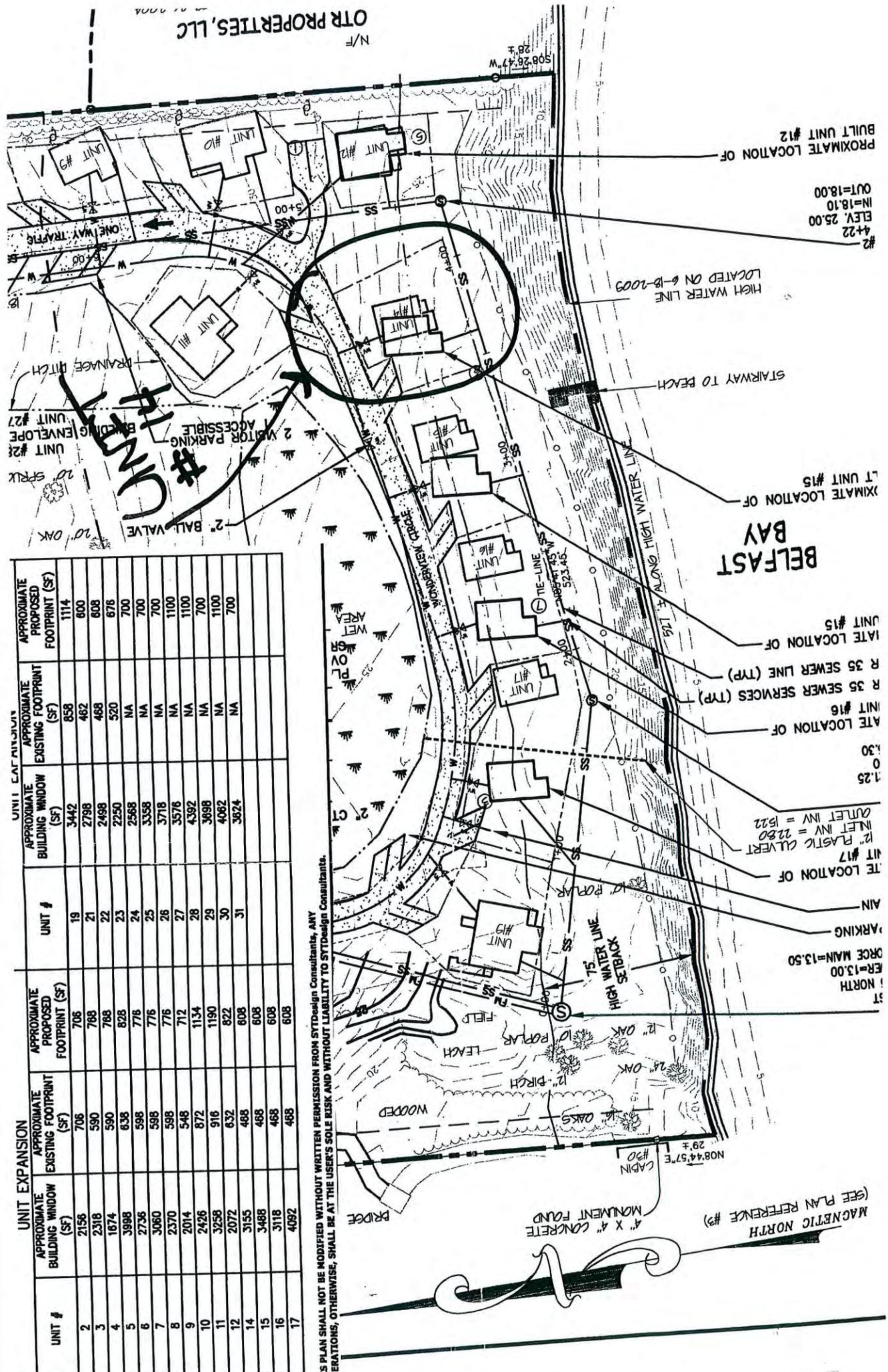
Sincerely,

A handwritten signature in black ink, appearing to be 'J. Zinkovitch', written in a cursive style.

John Zinkovitch, General Manager, Wonderview Cottages.

UNIT #	UNIT EXPANSION		UNIT #	UNIT CONTRACT	
	APPROXIMATE BUILDING WINDOW EXISTING FOOTPRINT (SF)	APPROXIMATE PROPOSED FOOTPRINT (SF)		APPROXIMATE BUILDING WINDOW EXISTING FOOTPRINT (SF)	APPROXIMATE PROPOSED FOOTPRINT (SF)
2	2156	706	19	3442	1114
3	2318	788	21	2798	600
4	1674	590	22	2498	608
5	3998	828	23	2250	676
6	2736	598	24	2568	700
7	3060	598	25	3358	700
8	2370	598	26	3718	700
9	2014	548	27	3578	1100
10	2426	872	28	4392	1100
11	3258	916	29	3698	700
12	2072	632	30	4082	1100
14	3155	608	31	3824	700
15	3488	608			
16	3118	608			
17	4882	608			

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SITE DESIGN CONSULTANTS, ANY ALTERATIONS, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SITE DESIGN CONSULTANTS.



MAGNETIC NORTH
(SEE PLAN REFERENCE #3)

ST
NORTH
EOR=13.00
ORCE MAIN=13.50
PARKING
AIN

TE LOCATION OF
UNIT #17
INLET INV = 2280
OUTLET INV = 1522

ATE LOCATION OF
UNIT #16
R 35 SEWER SERVICES (TYP)
R 35 SEWER LINE (TYP)

LATE LOCATION OF
UNIT #15
PROXIMATE LOCATION OF

PROXIMATE LOCATION OF
BUILT UNIT #12
ELEV. 25.00
N=18.10
OUT=18.00

HIGH WATER LINE
LOCATED ON 6-B-1009

STAIRWAY TO BEACH

#19
#20
#21
#22
#23
#24
#25
#26
#27

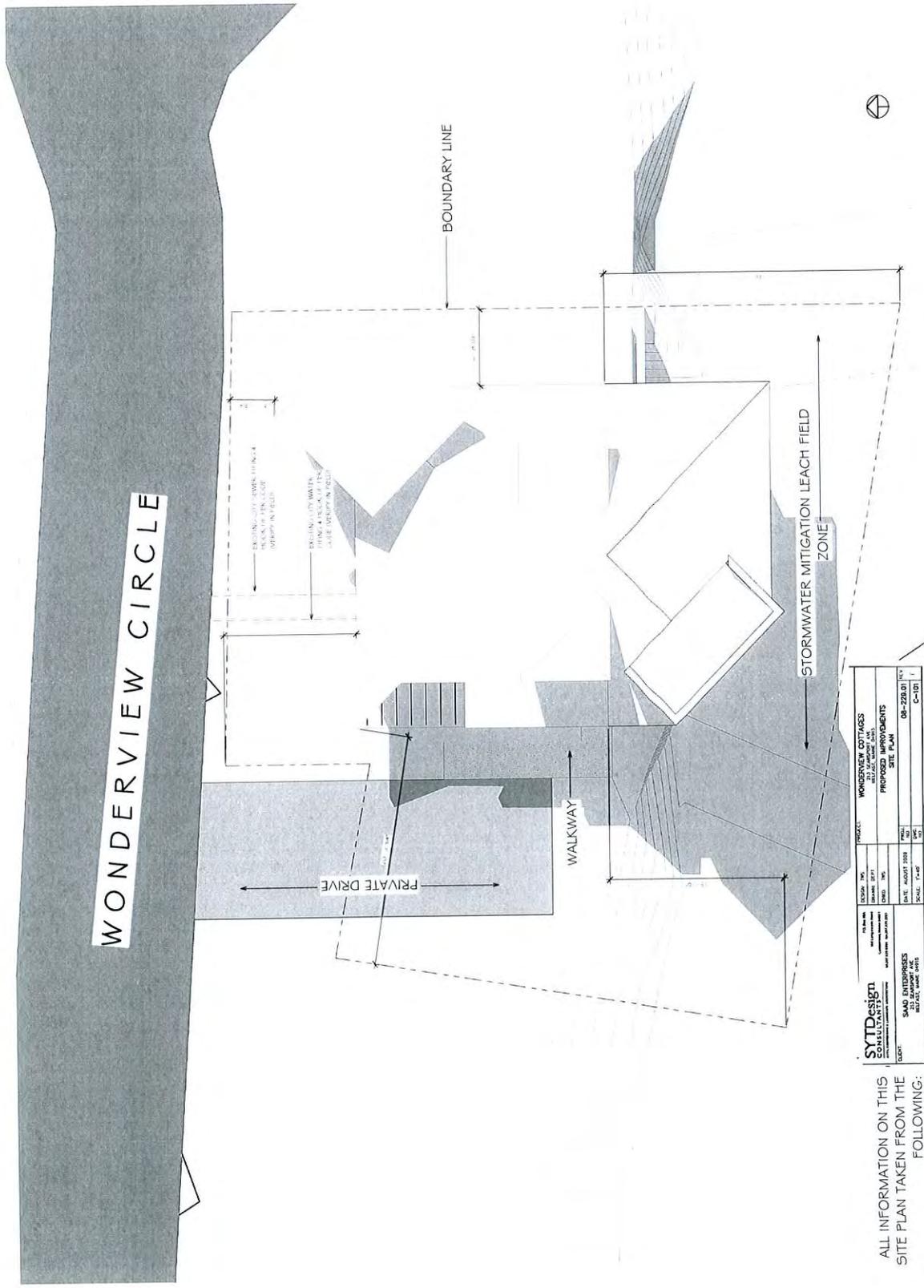
ONE WAY TRAFFIC

UNIT #9
UNIT #10
UNIT #11
UNIT #12

UNIT #13
UNIT #14
UNIT #15
UNIT #16
UNIT #17

UNIT #18
UNIT #19
UNIT #20
UNIT #21
UNIT #22
UNIT #23
UNIT #24
UNIT #25
UNIT #26
UNIT #27

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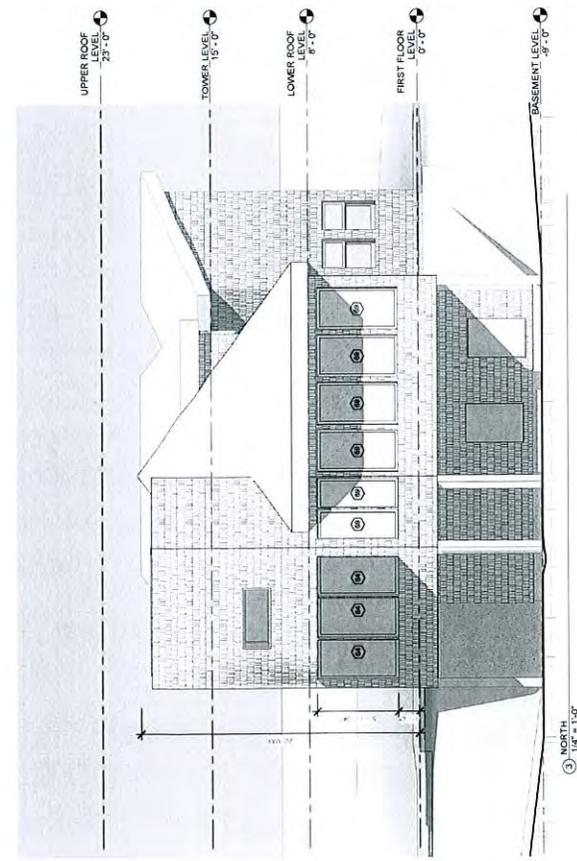
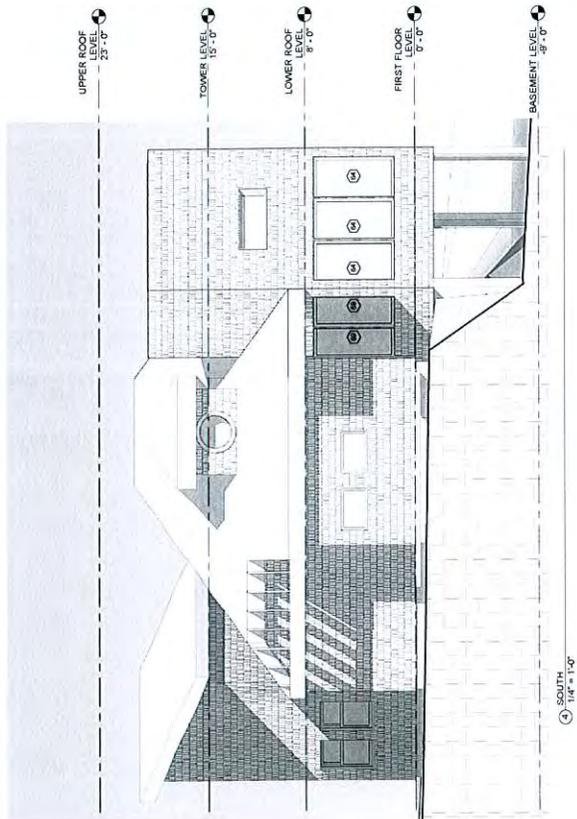
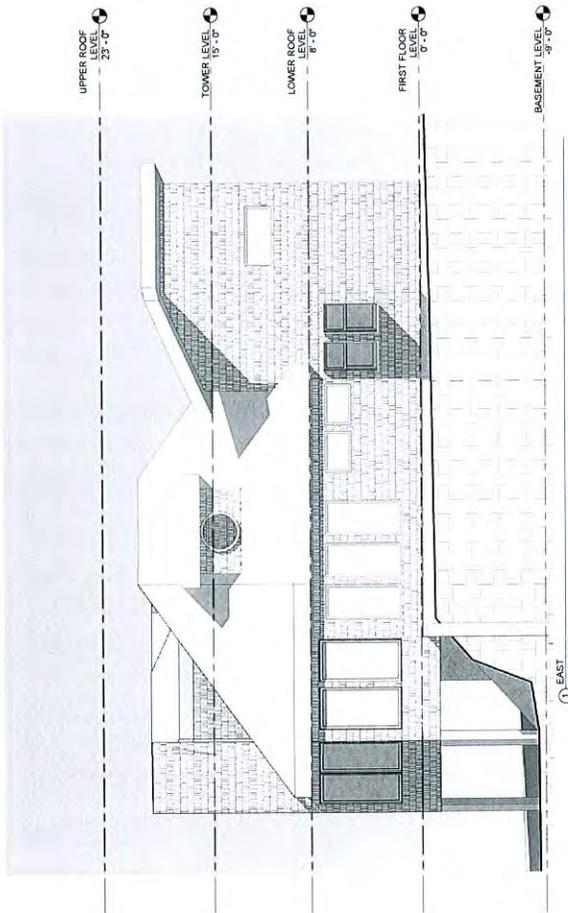
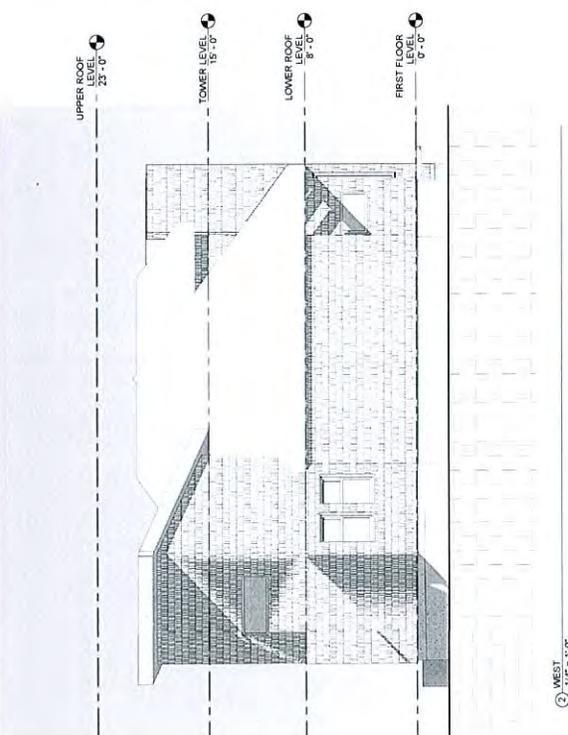
SYTDesign CONSULTANTS 3115 WINDY HILL WASHINGTON, DC 20007		PROJECT: WONDERVIEW COTTAGES 3115 WINDY HILL	
DATE: 05/27/13 SCALE: 1/4" = 1'-0"	DRAWN BY: [Name] CHECKED BY: [Name]	PROPOSED IMPROVEMENTS: SITE PLAN 08-228.01 (REV. 1)	
CLIENT: SALES ENTERPRISES 3115 WINDY HILL		SCALE: 1/4" = 1'-0"	

ALL INFORMATION ON THIS SITE PLAN TAKEN FROM THE FOLLOWING:

① Site 1/4" = 1'-0"

FOR REVIEW ONLY NOT FOR CONSTRUCTION	
#9 WONDERVIEW CIRCLE REDESIGN	
SITE PLAN	
Project Number: 154013	Date: MAY 27 2013
Drawn By: RIVE	Check By: RIVE
C101	
Scale: 1/4" = 1'-0"	Date:

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**FOR REVIEW ONLY
NOT FOR CONSTRUCTION**

**#9 WONDERVIEW
CIRCLE REDESIGN
ELEVATIONS**

Project Number: 15-013
Date: MAY 27 2016
Author:
Checker:
Scale: 1/4" = 1'-0"

Letter to David Goldschmidt from Planner on March 3, 2016

March 3, 2016

David Goldschmidt
48 Moraine Road
Morns Plain, NJ 07950

RE: Cottage #14, Wonderview Cottages

Hello David:

I have further examined concerns you have raised regarding the permit you initially requested from the City to demolish existing Cottage #14 and to construct a replacement cottage that would be 858 square feet (sf) in size. This is based on your alleged reliance on the prior building permit, 141-2010 that the Department erroneously issued on October 25, 2010. While the City disputes that such reliance was reasonable from a legal perspective, we are also mindful that what may be perceived as fair is not necessarily what is legal. I am writing to you now to identify a process that our Department is prepared to support and recommend to the Belfast City Council that would allow you to construct a cottage that is a maximum of 858 sf in size, and to find out if you would like to consider this proposed approach. I have discussed this approach with William Kelly, City Attorney, and he believes it is the only practical and feasible opportunity to enable you to construct the size of cottage that was previously erroneously permitted. I will first provide information regarding this approach, and I will then describe specific information and actions that I would need you to address.

First, our Department does not have the authority to specifically approve and issue a building permit to allow Cottage #14 to be any greater in size than the size identified on the Wonderview Cottages Subdivision Plan approved by the Belfast Planning Board. The Subdivision Plan identifies the size limit of Cottage #14 as 608 sf. I also believe that the Belfast Planning Board, in its November 4, 2009 decision to approve this Subdivision Plan, correctly interpreted and applied requirements of the City Code of Ordinances, Chapter 82, Shoreland, regarding the maximum amount of expansion allowed for Cottage #14. Cottage #14 is a nonconforming structure with respect to the minimum amount of setback from the normal high water mark (a portion of the existing cottage is less than the required 75 feet from the high water mark), and a nonconforming use because the number of cottages in the Subdivision that are located within the Limited Residential district of the shoreland zone exceeds applicable density requirements (30,000 sf/dwelling unit). As such, I do not believe that the Planning Board has the authority to

approve an amendment to the approved Subdivision Plan that would allow any increase in the size of the Cottage #14 from that shown on the approved plan; 608 sf. While I hope you find this summary helpful, the Planning Board permit approval regarding development rights and obligations remains controlling.

That said, I believe I now better understand why you pursued a building permit to construct Cottage #14 to be 858 sf in size, and why you feel that Department staff, based on the 2010 permit that was issued to SAAD Enterprises for this same cottage, initially led you believe that constructing a cottage of that size may be allowed. While the 2010 building permit clearly lapsed 2 years after it was issued since construction did not begin and the permit was not renewed/extended, and while conversations with Department staff regarding potential terms associated with the potential issuance of a building permit do not have the same legal effect as final action on a specific building permit application, I am concerned from a perspective of general fairness that you wholly or partly relied upon information provided by Department staff in deciding how to proceed with project design and construction, and that the initial information that we provided to you likely was not wholly correct. Although the City Attorney and I are confident that the Department's action not to approve the Building Permit you initially requested to construct Cottage #14 to be 858 sf would be sustained by a Court of Law, I feel it is important to address your reliance on errors we may have committed in our consideration of your 2015 permit request.

The process which we are prepared to recommend that would allow you to construct Cottage #14 to be a maximum of 858 sf would involve the following steps:

- 1) You submit a building permit to our Department with specific building plans to construct Cottage #14 to be a maximum of 858 sf for review by the Code Enforcement Officer (CEO). The CEO will review the plans to ensure that said plans satisfy all requirements of the City (and State) building code.
- 2) You submit a letter to the City from the Condominium Association for the Wonderview Cottages in which the Association and the membership of the Association states that they will not challenge the City allowing you to construct Cottage #14 to be a maximum of 858 sf in size. If the Association does not provide such a letter, the City cannot proceed with this compromise process I am recommending because it could result in a legal challenge of the City position. I also note that the Association must be fully aware that this decision would apply only to Cottage #14 due to the 2010 erroneously issued building permit, and that the City cannot entertain allowing any other cottage in the Subdivision to be increased in size through a similar process; no other cottage has been issued a permit in excess of the square footage identified on the Wonderview Cottages Subdivision Plan approved by the Planning Board in 2009. Thus, you need to understand that you take all risk from any private cause of action claims related to the building of an 858 sf structure. The City can only promise to waive all enforcement action relating to the 858 sf building permit, and no more. I encourage you to seek review by independent Counsel if you have any questions.

- 3) Upon receipt of the above, and our determination that both address City concerns, the Department will request a public vote by the Belfast City Council at a regular Belfast City Council meeting to issue a 'No Action Letter' regarding prosecution for building an 858 sf cottage. This 'Letter' essentially means that the City recognizes that you are constructing Cottage #14 to be larger in size than permitted by the Wonderview Subdivision Plan, however, the City agrees that it will not prosecute you for violating terms of City Ordinances. Please be aware, I cannot predict or infer in any way whether or not the City Council will authorize issuance of the 'No Action Letter'. In speaking with William Kelly, City Attorney, who is involved in many real estate transactions and who often has provided opinions on title, he believes that both a bank and a title company would respect this process of providing you with an equitable estoppel defense regarding any future City Land Use Enforcement Action for building in reliance of the proposed permit for 858 sf, and such a letter should be sufficient for the purposes of you obtaining a mortgage and/or title insurance. I note that Attorney Kelly is legal counsel for other municipalities in the mid-coast area, and that he has recommended and used this process in those communities as well as in Belfast to help resolve zoning concerns that cannot be addressed through more traditional approaches; for example, an approved amendment to a Subdivision Plan or a variance issued by the Zoning Board of Appeals. I will add that in my 17 plus years of working with the City that I have approached and obtained Council approval on at least five occasions of a 'No Action Letter' or similarly, a consent agreement, to address zoning violations that cannot be addressed through other means. Further, Council approval of such a letter can be pursued without you being required to be present.

If you want to pursue this process, I can prepare and submit the 'No Action Letter' to the Council for their approval within 30 days of the date that we receive and review the information I requested in number 1 and 2 above. Further, I would be happy to provide you a copy of the 'No Action Letter' for your review in advance of my submitting such to the Council.

David, in offering the above as an approach for you to consider, I want to ensure that you recognize that this approach is completely disconnected from both Planning Board and City Council action on potential amendments to the City Shoreland Ordinance. As you are well aware, the Planning Board is now discussing potential amendments to address concerns such as but not limited to the new State Shoreland Guidelines (State adoption in January 2015) and changes to the City Official Shoreland Map (adopted 1990, including amendments adopted post 1990), and hopes to soon conduct a public hearing regarding its recommendations and to then present such to the Council for further public review and potential adoption as Ordinance amendments. One of the many provisions which first the Planning Board and subsequently the City Council will be considering are the new State guidelines regarding the expansion of a nonconforming structure. When I state that the 'No Action Letter' process and Ordinance amendment process are disconnected, I mean that your decision to participate in or not participate in the 'No Action Letter' process will not affect your ability and right to offer any public testimony that you, and/or the Wonderview Condominium Association may choose to submit for either or both Planning Board or City Council consideration regarding said upcoming Shoreland Ordinance amendments. Additionally, the 'No Action Letter' shall in no way relieve you of any and all other existing or future City Code of Ordinance requirements.

Lastly, there would not be a fee you must pay to the City associated with pursuing this proposed approach regarding issuance of a 'No Action Letter', and the Department would not charge you any building permit fee in addition to the fee that you already have paid for the building permit issued to you on November 4, 2015. Further, your November 2015 permit would remain in effect until such time as action occurs through this proposed process. To be clear, if this proposal is approved by the City Council, your Building Permit would be respected for a two year period from such date; provided, however, you must comply with all other City Code of Ordinance requirements.

David, after you have had a chance to read and digest this information feel free to give me a call if you have any questions. I also could arrange a conference call with Attorney Kelly, you and me if you would like. Let me know how you may want to proceed.

On behalf of the City,

Wayne Marshall
City Planner

10.I

**Central Maine Power
Town Pole Permit
Fax Cover Sheet**

Date 05/13/16

To: Town/City of Belfast

Fax: 338-6222

Subject: Town Pole Permit

Town/City: Belfast

Road: Front Street/Water Street

CMP Job # 10300185212

From: Pat Shore, CMP Line Clerk

Fax 207-629-4752

E-mail Lineclerknewservice@cmpco.com

Please sign attached and fax or e-mail back.

**If you have any concerns or questions, please call me direct
at 1-207-490-3033.**

Thank You

Form 4503

Notification: 10300185212

Work Order: 601000091127

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC,

dated May 12, 2016,

asking for permission, in accordance with law, to construct and

maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances

over, under, along or across certain highways and public roads in the location described in said application,

permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,

said facilities and appurtenances in the City / Town of BELFAST

approximately located as follows:

- 1. Starting Point: PIERCE STREET
- 2. Road (State & CMP): FRONT STREET/ WATER STREET
- 3. Direction: SOUTH EAST
- 4. Distance: 133 feet
- 5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Affest: _____

Clerk

Form 4501

Notification: 10300186212

Work Order: 801000091127

CENTRAL MAINE POWER COMPANY
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: BELFAST Maine

To the: City
 Town
 County of: WALDO Maine

- Central Maine Power hereby applies for permission to:
 - Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
 - Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Northern New England Telephone Operations LLC jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: PRIERCE STREET
2. Road (State & CMP): FRONT STREET/ WATER STREET
3. Direction: SOUTH EAST
4. Distance: 133 feet
5. Number of Poles: 1

- Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
- Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

Public Notice of this application has been given by publishing the text of the same Not Published

In: _____
On: _____

CENTRAL MAINE POWER COMPANY

Northern New England Telephone Operations LLC

By: RICHARD LEACH

Date: May 12, 2016

By: Daniel G. [Signature] Date: 5/13/16

10.J

MEMORANDUM

June 1, 2016

To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Chain Sawed Bench Donation

The City received a request from Councilor Mike Hurley to accept this bench which was crafted with a chain saw by an artist during the All Roads Music Festival. The Parks and Recreation Department is supportive of accepting this bench either in its current location – in front of City Hall or an alternative site on the corner of Heritage Park facing the Harbor – a location of an earlier OTB street bench that became popular because of its view of the Harbor.

The Department would support in allowing the artist to label the bench for professional advertisement but not support a stipend. Currently the City has works of art in public places and allows the advertising of the artists but does not pay stipends for the displays. In most cases the artwork does not become permanent but in some situations the displays have stayed in public locations for extended periods of time.



**City of
Belfast**

Manda Cushman <managersasst@cityofbelfast.org>

PBS Letter & Locations

Breanna Pinkham bebb <bre@ourtownbelfast.org>

Thu, Jun 2, 2016 at 11:31 AM

Reply-To: bre@ourtownbelfast.org

To: Manda Cushman <managersasst@cityofbelfast.org>

We can certainly incorporate it into the bench listings. We would be able to add it to the website/FB type promotion, but not the rack card (since those are already printed). We had a bench where its currently located and plan to again, so would be looking for a new place for it. We dont have a bench for the Key Bank corner yet, maybe that would be a good spot?

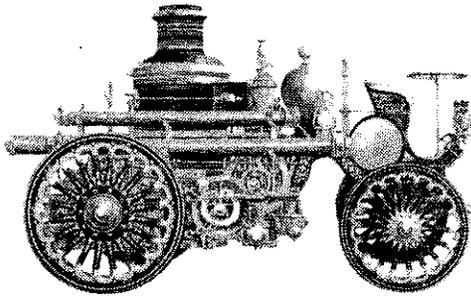
Thanks for bringing this up - people really like that bench!

Breanna Pinkham Bebb
Executive Director, Our Town Belfast

"Growing and sustaining our historic downtown, celebrating our unique cultural heritage."
www.ourtownbelfast.org | 207.218.1158 | 107 Main Street
(upstairs through the 105 door), Belfast, ME 04915

You must do something to make the world more beautiful... Miss Rumphius, by Barbara Cooney

[Quoted text hidden]



10.K

Belfast Fire & Ambulance Department
131 Church Street • Belfast, Maine 04915
Phone 338-3362

May 31, 2016

To: Joe Slocum
City Manager

From: Jim Richards, Chief
Belfast Ambulance Service

Reference: Ambulance Drivers

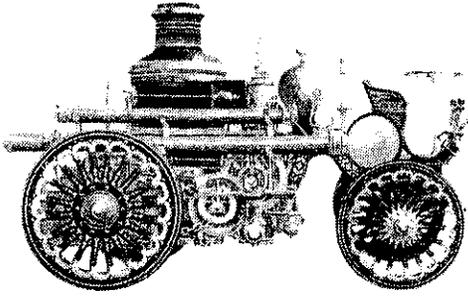
I submit to you, for your confirmation the name of Edgar Spaulding to be a call driver for the Belfast Ambulance Service. Edgar has taken the AVOC Driver Course and is a member of the Belfast Fire Department for the past six years. He resides on the Back Belmont Road and would be available nights and week-ends if needed.

If you have any questions, please call me at the Fire Station.

Thank you

A handwritten signature in black ink, appearing to read "Jim". The signature is stylized and cursive.

Jim Richards, Chief
Belfast Fire and Ambulance



Belfast Fire & Ambulance Department
131 Church Street • Belfast, Maine 04915
Phone 338-3362

May 31, 2016

To: Joe Slocum
City Manager

From: Jim Richards, Chief
Belfast Fire and Ambulance

Reference: Ambulance Attendant

I submit to you, for your confirmation, the name of Spencer Martin to be a call in ambulance Attendant for the Belfast Ambulance Service. He is a licensed EMT Basic.

Spencer is a student at Colby College in Waterville and is residing in Belfast for the summer months. He would like to be a member of the Belfast Ambulance so as to keep up on his EMS skills and be a service to the Belfast Community. He is also a member of the Waterville Fire and EMS during school year.

If you have any questions, please contact me at the Fire Station.

A handwritten signature in black ink, appearing to read "Jim Richards". The signature is stylized and written in cursive.

Jim Richards, Chief
Belfast Fire and Ambulance

10.L

June 2, 2016

Manda,

I have a new name for summer time Parking Enforcement, Trey Reed, he's a Junior at the Belfast Area High School. He's on the Track and Field Team, Football Team and the Basket Ball Team.

Trey will work with our current Parking Enforcement Officer (Russ Stickney). The Belfast Police Department enforces the Cities parking ordinance Monday through Saturday from 9am to 5pm, except for holidays. In our summer months we need to bring in additional help so we can ensure consistent enforcement of our parking rules throughout the summer season.

These Parking Enforcement Officers will be high visibility, wearing brown kaki pants and a polo shirt with a bright green traffic vest. We'll be in the downtown area much of the time not only enforcing the parking rules but helping the public where we can to find their way around and also making suggestions on how to avoid getting a ticket.

If we can get Trey's name on the agenda for this next Council meeting that would be great. Russ is planning a vacation the week of the next council meeting and it would be nice to have Trey work with Russ for a week in order to learn the ropes so he can fill in for him while on vacation.

If not I understand and we'll make due with what we have.

Thanks, let me know if you have any other questions.

Mike.

Chief Michael J. McFadden III

Belfast Police Department

112 Church Street

Belfast, Maine 04915

Office: (207) 338-5255

FAX: (207) 338-0258

10.N

MEMORANDUM

TO: CITY COUNCIL

FROM: SADIE LLOYD, ASSISTANT PLANNER

DATE: JUNE 1, 2016

RE: ENERGY COMMITTEE UPDATES

Actions requested: Grant permission for ReVision and the Energy Committee/City of Belfast to hold a public picnic on the landfill to celebrate the installation of the solar system.

Provide some direction on whether you're generally supportive of the proposed demonstration project or generally not supportive of it.

All other items are updates at this time.

I will attend your June 7th Council meeting to review updates on work the Energy Committee is doing. Below is an overview.

Demonstration project

The Energy Committee is proposing a public demonstration project to raise awareness about building efficiency and to engage the public about the work the Energy Committee and the City is doing. Attached is a visual mock-up of the proposed demonstration. The Committee is proposing to construct two miniature houses, one made with standard construction materials, the other built to Passive House standards. Passive House standards are very tight, highly insulated, and energy efficient. In the middle of each miniature house will be a large block of ice. The demonstration would run for approximately one month. After a month the houses' exteriors would be removed to show how much ice is left in each house. A house with ice left inside of it is considered highly efficient and represents very little heat loss in the winter or very little cooling loss in the summer (less heat intrusion).

On June 15th I will be meeting with the Parks Commission to ask permission to set the exhibit in either Heritage Park or the Boathouse. The Committee's first choice for the exhibit is on the knoll on the edge of Heritage Park near the waterfront. They believe this spot offers the best opportunity for public engagement. The Committee's second choice for a location is near the footbridge. The Committee's third choice for a location is next to the Boathouse. I have included a map with the locations marked. If the Parks Commission approves the location in Heritage Park I would need to work with the Maine Coast Heritage Trust to determine whether they would allow the temporary structures to be located there. The houses would be on footers; nothing would be secured in the ground. The last and final approval will lie with you, the Council.

The Committee estimates the project would run from mid-July to mid-August, or around that time. The Committee is looking to solicit donations for the majority of the project, including in-kind donations. Some donors have been identified. Labor would be donated. The Committee is talking to PassivHaus Maine to potentially use them as an 501(c)3 entity able to accept donations, otherwise the Committee could talk to Our Town Belfast.

The Committee will be asking formal permission to install the demonstration project on City property at your next Council meeting after meeting with the Parks Commission.

The Committee has asked for \$1,000 towards the project in their budget request. The two miniature houses will cost over \$7,000 to construct (estimated cost sheet attached).

I expect that you will have questions about this proposed demonstration and am happy to answer them.

LED lighting conversion

Last time I presented the Council with an update on lighting we had just received a lighting audit from TRC. The Energy Committee has decided to wait until July to see what happens with Efficiency Maine rebates. I heard this week that they will be reinstated but the incentive levels and program rules have not been pinned down yet. Once the rebates are released the Committee will use them to determine payback for the different building conversions and make a recommendation to the Council.

Regarding street lighting, the Committee decided not to pursue an audit. Justin Reynolds, who the City often uses for electrical work, is able to retrofit the street light fixtures to install LEDs. Retrofitting three street lights would cost approximately \$1,000. There are 52 downtown lights on Main Street, Pendleton Street, Beaver Street, Federal Street, and at the Harbor. Total project cost should be \$17,000 (this information was in your budget memo). The Energy Committee has been considering different color LEDs (from more orangey to bright white) before making a recommendation to the Council. Our Town Belfast asked downtown businesses to weigh in as well.

Upgrades to the Waste Water Treatment Plant

Earlier in the year the Committee contracted with a heating systems specialist, Andy McPartland, to look at the Waste Water Treatment Plant, the Transfer Station, the Boathouse, and the Library. The Committee is currently considering his recommendations for the Treatment Plant. I shared the report with Jon Carmen and he was interested in getting cost estimates. Last week I asked Andy to prepare the cost estimate. The report from his tour of the four buildings is attached. The Committee told me at our last meeting they are ready to look at the other three buildings as well.

Solar landfill picnic

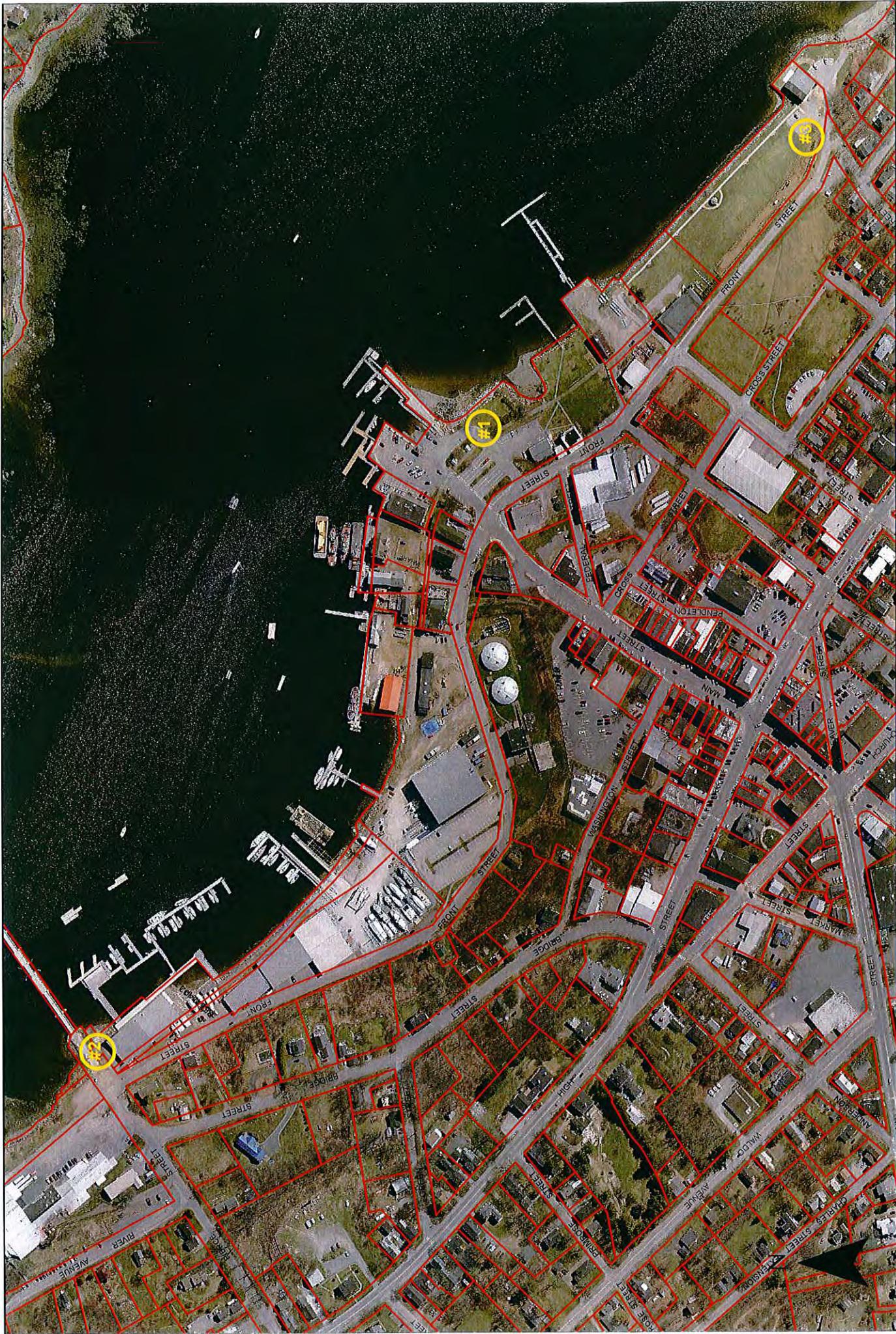
ReVision Energy would like to co-host, with the City, a picnic on the landfill as a kick off to the system (January isn't the best time to have a public event outside). As you know it is a very beautiful spot. The proposed date for the picnic is Monday, June 20th at 5pm. The rain date would be Monday, June 27th. The public would be invited and ReVision, the Committee, and myself will be available to discuss the panels and the project.

In order for this picnic to take place we need your permission to hold it on the landfill as it is City property.

Due to the recent failure of the energy bill in the legislature it is expected that our project will continue to be one-of-a-kind in the State, at least until the Public Utilities Commission determines what the new net metering policy will be, which is expected by late fall.

Other projects

The Committee has been asked to look at electricity planning; we currently contract with Constellation for our electric supply for six City meters. Patriot Energy has approached the City with an alternative contract to consider when the Constellation contract runs out (November 2017 or sooner if we break our contract). The Energy Committee discussed this at our last meeting and determined that they did not feel they were in a position to make the decision as they are not financial planners. They would like to investigate whether there are affordable options to have more of the electricity we purchase come from renewables as we work to reduce our energy consumption.



Demonstration Project
proposed locations



PASSIVE ICE HOUSE

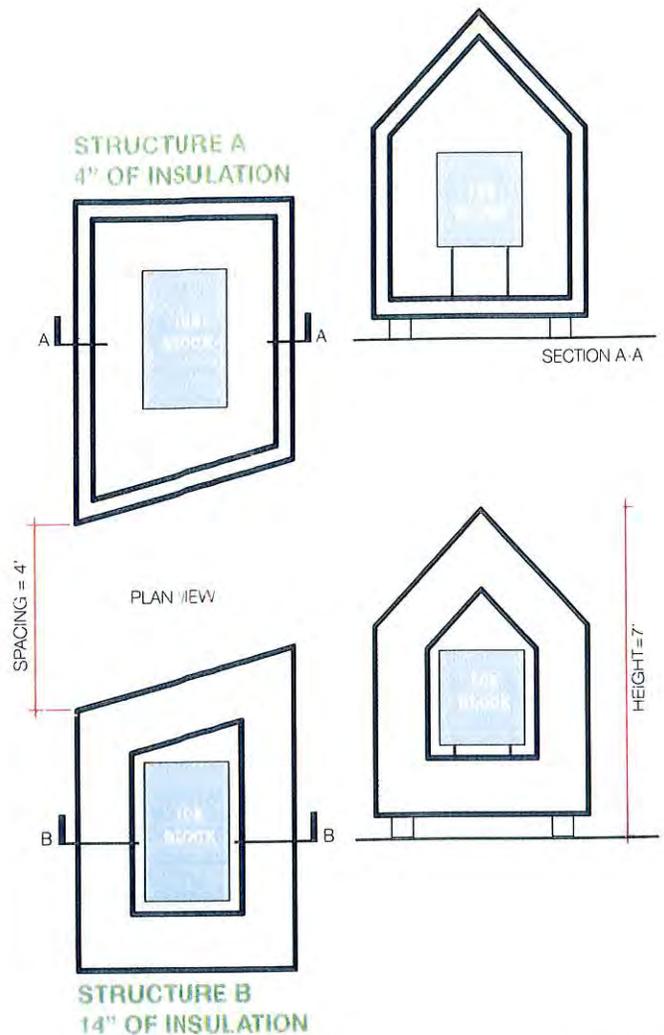
Concept for Energy Sculpture in Belfast, ME

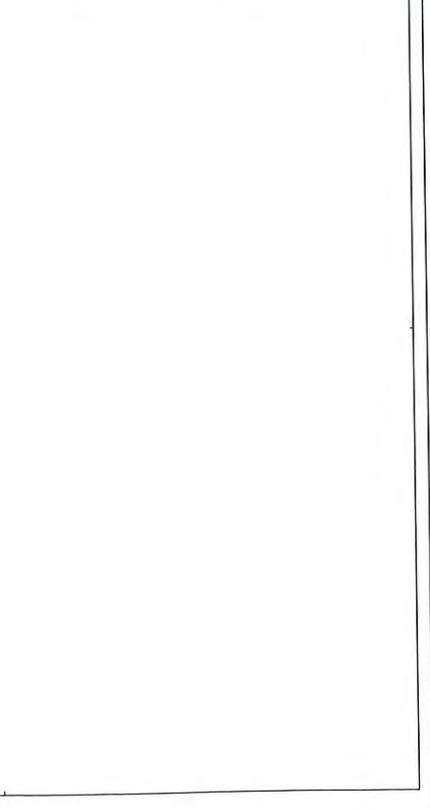
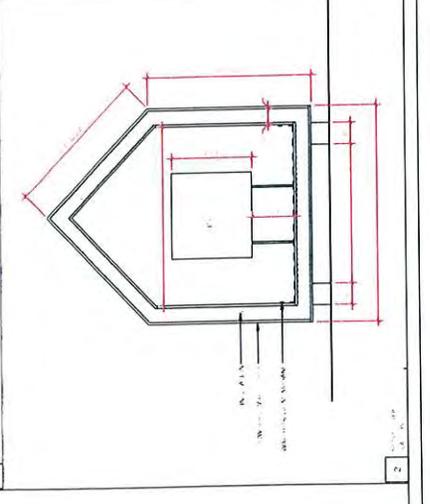
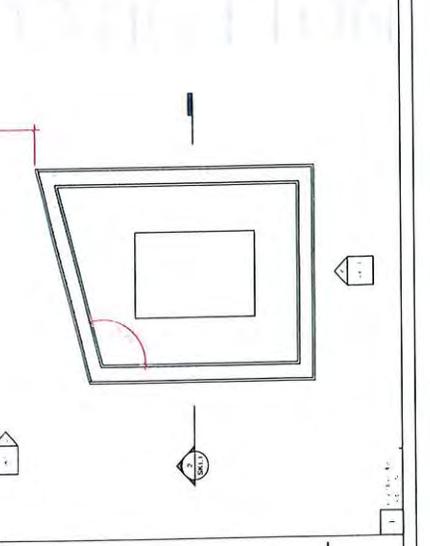
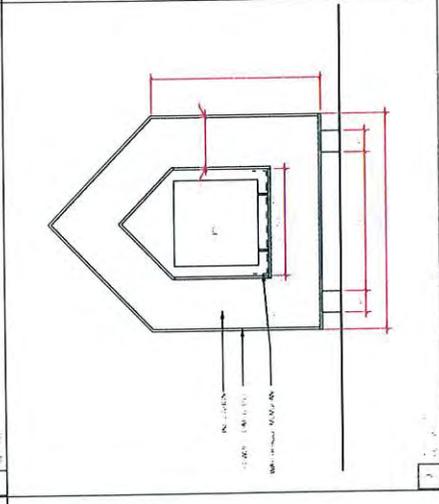
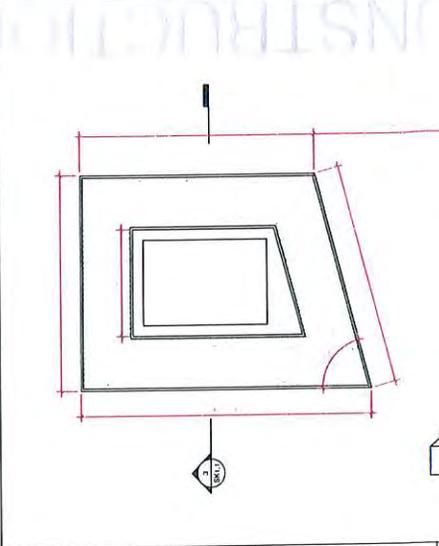
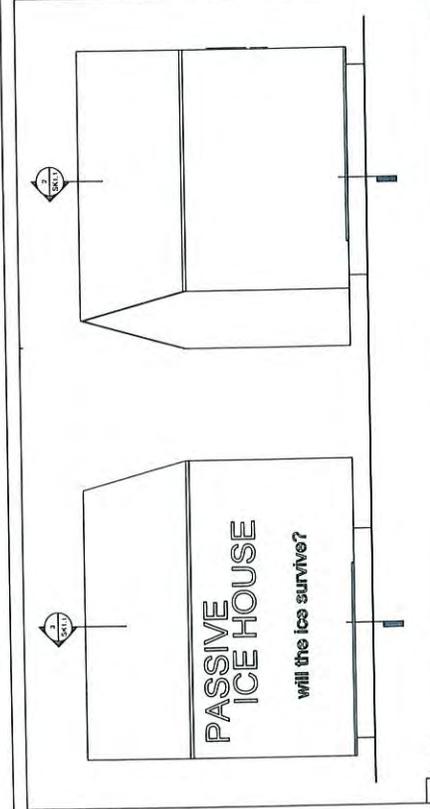
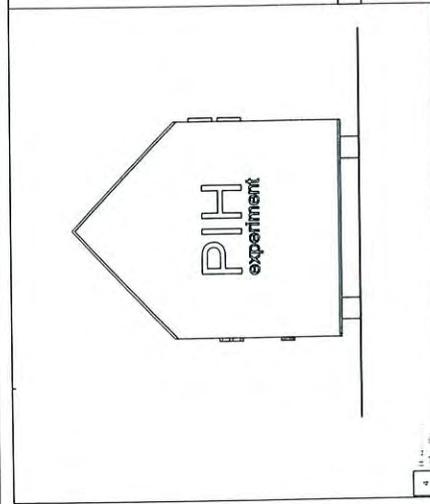
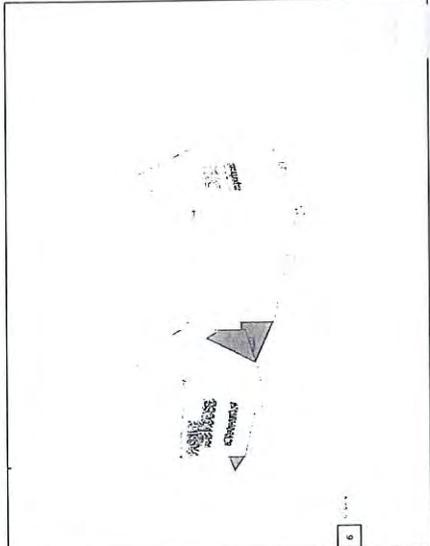
In January, we will place two blocks of ice into two insulated structures, and we will pose the question - **Will the ice blocks survive until July?**

The goal is to create a thought-provoking and engaging installation on the Belfast Waterfront, adjacent to the Harbor Walk Path. As you move towards the structures, you can slip in-between them in the diagonal "cut" to read about the experiment and understand how the structures are made. Structure A represents a code built house, with 4" of insulation, while Structure B represents a Passive House, with 14" of insulation. The wall section is drawn on the section cut, and the anatomy of the volumes are explained, including a description of the 3' x 2' x 2' Ice Block that's sitting inside. Through provoking and informative signage, we ask these questions - Will the ice block survive until July? Does insulation really work? Can we, here in Maine, survive without heat in the winter?

Although some of the finer design decisions have yet to be finalized, we feel the concept is strong. There will be an indicator in some form of the status of the ice inside, be it a peep hole with a LED light on a timer so viewers can look inside, or a reservoir visible from the outside that the melted ice drains into. In July, there will be a grand opening of the structures.

Parallel topics of interest:
Ice Harvesting history in Maine
Global Warming and Glacier Melting
Sustainable building practices





J.H. McPARTLAND & SONS

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City of Belfast, ME

Existing Building Mechanicals Review

Andrew J McPartland, PE, LEED AP
3/11/2016

This report presents the cursory mechanical review and observations of the buildings listed below. A walkthrough of each building evaluated the existing mechanical infrastructure as well as obtained insight from facility operation personnel. This report is intended to provide a light-touch on existing mechanical conditions in an effort to facilitate further conversations regarding energy conservation and improvements at a higher - more technical level.

- Waste Water Treatment Facility – 2,875 gallon of #2 fuel oil per year
- Transfer Station – 1,611 gallon of #2 fuel oil per year
- Library – 4,825 gallon of #2 fuel oil per year
- Boathouse – 2,510 gallon of #2 fuel oil per year

All of the buildings reviewed utilize #2 fuel oil as the heating source. Currently, with #2 fuel oil prices well below \$2.00/gallon, alternative heating methods may not make practical sense in the short term. As has been typical, it is unclear where #2 fuel oil is headed, regarding costs. The following page provides a cost comparison of available fuel sources at today's energy costs, using 1000 gallons of #2 fuel oil as the basis. From the comparison chart, it can be seen that oil is the cheapest option, and requires no infrastructure modifications to existing buildings. Propane does not make sense due to cost. Heating with heat pumps or pellets is nearly equivalent to heating with oil in regards to today's energy costs. Converting to heat pump or pellet technology requires significant capital with little return on investment if energy prices remain as they are today. In the short term, it may make logical sense to reduce existing oil consumption rather than investing in an alternative heating method. With the current price of oil, the attractive cost payback typically recognized from employing alternative heating sources is not realized.

DRAFT

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	Gallon Oil 1000 Per Year	Appx Required Heat Load 117.98 (MMBTU/YR)	COST PER YEAR
OIL	138,800 BTU/Gallon \$1.71 Per Gallon	87% = System Efficiency 85% = Assumed Seasonal Efficiency 117,980 =BTU/Gallon Available for Heating	\$1,710.00
PELLET	16,400,000 BTU/Ton \$215.00 Per Ton	88% = System Efficiency 87% = Assumed Seasonal Efficiency 14,268,000 =BTU/Ton Available for Heating	\$1,777.80
PROPANE	91,912 BTU/Gallon \$2.20 Per Gallon	96% = System Efficiency 92% = Assumed Seasonal Efficiency 84,559 =BTU/Gallon Available for Heating	\$3,069.53
ELECTRIC	3,413 BTU/kWh \$0.1400 per Kilo Watt (kW)	0.99 = Assumed Seasonal Efficiency 3,379 =BTU/kW Available for Heating	\$4,839.50
HEAT PUMP	3,413 BTU/kWh \$0.1400 per Kilo Watt (kW)	2.5 = Assumed Seasonal Efficiency 7,679 =BTU/kW Available for Heating	\$1,935.80
CORD WOOD	20,000,000 BTU/Cord \$250.00 Per Cord	89% = System Efficiency 85% = Assumed Seasonal Efficiency 17,000,000 =BTU/Cord Available for Heating	\$1,735.00

The above calculations are for comparative purposes only. Actual values and efficiencies will vary on a case by case basis.
 Contact Andrew McPartland, PE, LEED AP at JH McPartland & Sons for more information.

Waste Water Treatment Facility

The waste water treatment facility (WWTF) was constructed in the early 1970s. It represents many other WWTF constructed in that era: partially below grade, minimally insulated, oil fired heating system, simple intake and exhaust ventilation system, approaching the time for a facility upgrade. The WWTF was very neat and clean throughout.

Observational Notes:

- Existing (assumed to have replaced original) oil fired hot water boiler that appears in good functioning condition: HB Smith 19-A-6 with Carlin CF1400 Burner
- Fuel oil day tank and pump in boiler room supplies oil for boiler from larger remote oil storage tank
- Single circulator pump for entire heating system runs whether all heating zones are calling or single heating zone is calling. Taco ½ HP
- Original hydronic (hot water) unit heaters throughout with exception of the office area, which is a convector type, all high supply water temperature type. Some of the unit heaters no longer work due to failed components such as motors, etc. It is assumed that the thermostats in the process areas are setback to the minimum temperature suitable for the space
- Hydronic system showing signs of degradation
- The ventilation systems serving the process areas have either failed or are non-existent. The headworks area does have functioning ventilation, enabled when occupied. The dewatering area has a roof hatch that is occasionally opened during dewatering
- Variable frequency drives (VFD) have been installed on pumps and blowers to allow for more efficient operation of these large motors
- The heat generated in the blower room is being transferred to the dewatering area using a large portable propeller fan
- The office area is hot during summer months

Recommendations and Considerations:

Typically WWTF present a bountiful source for energy savings regarding heating and ventilation. Ventilation is typically one of the more energy intensive tasks for WWTF, specifically because the ventilation air needs to be heated in winter months. WWTF generally require large air exchange rates to prevent build-up of combustible and/or oxygen depleting gases found in WWTF, as well as reducing the potential for corrosion from moisture and chemicals present. The ventilation rates of today's WWTF design can call for up to 12 air changes per hour for some spaces, as defined in NFPA 820, Ten States Standard, etc. Most of the spaces have little to no ventilation, with the exception of the headworks, which is seldom occupied. With current ventilation rates low or non-existent, the potential for energy savings are diminished.

Long-range planning for the WWTF should be reviewed with others. Any upgrades to the WWTF should incorporate heating and ventilation upgrades, as well as building envelope upgrades. Effluent source heat pumps can be utilized for efficient heating, using the treated effluent as the heat source/sink in the same principle as utilizing groundwater as the heat source/sink with ground source heat pumps. Energy recovery ventilation can be employed to reduce energy consumption related to complying with updated code required ventilation rates.

Some interim thoughts to reduce oil consumption are below:

- A simple outside air reset controller can be utilized to reset the oil boilers supply water temperatures during warmer outside ambient conditions, resulting in reduced oil consumption
- An air source heat pump (ASHP) system could be utilized for the office area and controls room to reduce the need to fire the oil boiler during the shoulder seasons, as the process areas below grade and with heat generating equipment may be able to drift through these times while maintaining suitable temperatures. The heat pump would also provide cooling in the summer

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Transfer Station

The transfer station is a metal building consisting of a large – open - high process area, a small office, and a bathroom. The building is occupied approximately 40 hours per week. Drop-off doors are utilized for separation of recyclables. Two large overhead doors provide vehicle access at each end of the process area.

Observational Notes:

- Office and bathroom are heated with simple electric strip baseboard heaters
- Process area is heated with oil fired unit heater that appears in good functioning condition: Modine POR185B with Beckett burner
- Thermostat was set at 60F for process area, reportedly it is left at 60F 24-7
- Ceiling fans are present, but were not on during walkthrough
- 40 gallon water heater serving small bathroom
- Visible openings around the drop-off doors allow infiltration of outside air

Recommendations and Considerations:

The existing heating system infrastructure is relatively simple and in working order. Converting to an alternative energy source would require construction of new systems resulting in long returns on investment, if at all, using current energy prices. Below are some options that would allow for reduction in current fuel oil consumption:

- A programmable thermostat could be used to drop the temperature back in the process areas when it is not occupied
- The existing ceiling fans could be enabled to destratify the warmer air back down to occupant level, specific destratification fans are available that could replace the existing paddle fans for more effective destratification
- Rather than maintaining temperature in the 40 gallon electric water heater, a point of use electric water heater could more efficiently address the bathroom lavatory hot water needs
- An ASHP could be utilized to offset existing oil consumption. The ASHP would work as the primary source of heat, the existing oil fired unit heater would serve as back-up during the brief and infrequent peak heating conditions
- An insulated hatch or equivalent could encapsulate the drop-off doors to reduce rate of infiltration
- If the large overhead doors are regularly opened and closed, an air curtain could be utilized to reduce infiltration, a quick analysis should be conducted to justify this option

Library

The Belfast Free Library consists of an original building dating back to 1888 that has had since additions, with a major addition/renovation in 2000. The library is open approximately 50 hours per week Monday thru Saturday.

Observational Notes:

- Oil fired hydronic boiler located in basement that appears in good functioning condition: HB Smith 19-A-7 with Carlin 702CRD burner
- Large built-up air handling unit (AHU) located in upper level equipment room. AHU has fresh air intake for ventilation, cooling coils for space cooling, filters, and control system
- Insulated ductwork delivers air from AHU to variable air volume (VAV) boxes
- VAV boxes are located throughout the library in a zoned fashion
- It is assumed that each VAV box is equipped with a motorized damper to adjust airflow rates from heat to cool and to a minimum ventilation position when neither heating nor cooling is required. VAV boxes are also equipped with hot water coils. Generally, this system allows for the simultaneous heating and cooling of different zones throughout the building. The cooling coil in the AHU will reduce the air temperature so the VAV box can provide cooling, if any zone calls for heating, rather than for cooling, the heating coil on the VAV box will bring the cool air temperature up so the zone is heated.
- Circulator pumps piped in parallel distribute hot water to hot water coils mounted in VAV boxes
- A control system operates the different components and functions of the AHU
- The exterior entrance to the library has a snowmelt system, it appeared to be in operation during the walkthrough with no snow/moisture on the sensor. It also appeared that the glycol/water side of the snowmelt system was 'air bound' so that there was no flow through the system
- The thermostat setting of some spaces do not reflect the actual temperature of the space, such as the Abbitt room, the space was set at 74F, however it was at about 68F
- A building envelope insulation upgrade was recently conducted
- Areas with large amount of glazing such as the front desk and bridge portion are hot in the summer time and cold in the winter time, a review of existing window conditions could be made by local expert

Recommendations and Considerations:

The heating, ventilation and air conditioning (HVAC) system upgrades in 2000 modernized the library, mechanically. As can be imagined, increases in HVAC systems and equipment efficiencies have emerged since 2000, however would require substantial capital to implement upgrades. With the current price of oil, the acceptable payback timeframe of these upgrades may not be realized. A good first step would be to confirm that the existing mechanical system is operating as it was originally intended, a retro-commissioning exercise. Below is a list of items that should be measured and verified for efficient and effective HVAC system operation, reducing current oil consumption:

- Is outside air reset installed for the hot water heating system, it did not appear to be. If this is not present, utilize a simple outside air reset controller to reset the oil boilers supply water temperatures during warmer outside ambient conditions
- Is there economizer mode on the HVAC system, this will allow outside air to be utilized for 'free' cooling or heating when outdoor air conditions are available to do so, as automatically controlled through sensors and dampers

- What percent of the total AHU supply airflow is outside air ventilation, is this ventilation airflow rate accurate for the space use at today's code, are there means to reduce the amount of outside air flow utilizing CO-2 based demand control or equivalent. Outside air ventilation is provided for suitable indoor air quality, outside air ventilation needs to be heated or cooled before being supplied to the occupied space
- Depending on outdoor air ventilation rates, rooftop energy recovery ventilator (ERV) maybe be justified
- The existing snow melt system needs to be purged/charged so that the glycol/water mixture completely fills the snow melt system, ridding air of the system. Currently, the system is not functioning properly and needs to be reviewed and commissioned.
- Can existing thermostats be adjusted to more closely represent actual space temperatures

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Boathouse

The boathouse building is intermittently used in the winter time for maintenance; it is typically used in the summer time for events. It is an older multi story building that has had renovations.

Observational Notes:

- Oil fired hydronic boiler located on second floor that appears in good functioning condition: Weil McLain WGO-7 with a Beckett AFG burner.
- Indirect hot water heater, 40 Gallon Amtrol
- Commercial type high temp hydronic baseboard throughout, convector in kitchen
- Thermostats set at 55F 24-7
- Infiltration was prominent around the large roll-up doors at the main space of the first floor

Recommendations and Considerations:

Heating the entire building to 55F throughout the heating season is energy intensive relative to the building use. It consumes nearly as much fuel oil as the WWTF. Options for reducing oil consumption are listed below:

- Turn off heating system and drain. Seasonally drain plumbing system. Conduct maintenance tasks in another building that is already heated, if possible
- If maintenance tasks are required to be conducted in this space, look at other alternatives that would allow for heating the space intermittently as needed, such as propane fired tube heater or an ASHP. The ASHP could be used for air conditioning during summer events if desired.
- If heating the space with the existing oil boiler is desired, utilize a simple outside air reset controller to reset the oil boilers supply water temperatures during warmer outside ambient conditions
- Maintaining the indirect hot water heater temperature throughout the year does not make logical sense. The hot water demand would only be greatest during functions, if the kitchen is used for dishes, etc. Shutting off the water heater at its local controller when not in use would be a good first step. If large hot water demands are not expected a point of use electric water heater at bathrooms would be a good option.
- Large roll-up doors should be reviewed for upgrades to reduce air infiltration