



## CITY OF BELFAST

131 Church Street  
Belfast, Maine 04915

**Joseph J. Slocum**  
City Manager

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### MANAGER'S REPORT

Belfast City Council Meeting

Tuesday, June 21, 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 17, 2016

#### Agenda Items:

**10-A** Further discussion on the Rail Trail and the proposal from Penobscot McCrum for the City to route the trail up and around their building off River Avenue.

For many years the City has been involved in direct communications with Penobscot McCrum about our desire to secure an easement across their property for purposes of joining the Rail Trail to the intersection of Front and Pierce Streets. It has always been about an easement and not changing the ownership of the land underneath. Penobscot McCrum would lose no land or access to its own waterfront. All those conversations were discreetly discussed in person directly with the President of the company.

On March 15<sup>th</sup> the City met with the company President to advise him that the Council was coming to the conclusion that it was a matter of public necessity that the easement be acquired. We pledged to work with him to find a way to work out any of his concerns, that we would pay for the easements full and fair value as identified by an independent appraiser and do everything we could to minimize any impact of the easement. On April

1<sup>st</sup> the City communicated its written specifics on the proposal in all matters except purchase price as that value was not identified yet by our independent appraiser. On May 6<sup>th</sup> the appraisal was delivered to Penobscot McCrum with the offer to pay \$55,000 which was the full value of the easement identified by the independent appraiser. This offer was repeated in writing on May 21<sup>st</sup>.

On June 10<sup>th</sup> Penobscot McCrum made an alternative proposal to use some property belonging to the company that would effectively reroute the Rail Trail from the corner of Front and Pierce Streets up a 20 foot rise of Pierce Street, then down River Avenue to the hillside underneath the Veterans Bridge which is about 30 feet above the Rail Trail. The City advised Penobscot McCrum that day that this was an alternative that we had evaluated several years ago and concluded that it was unworkable for a variety of reasons including the fact that it would not be handicap accessible and would be extremely costly to build. There is also the practical reality of whether the public would actually use such a route in lieu of the direct route that many people are just using today. Regardless we agreed to take a fresh look at this issue.

If Council has a response to the Penobscot McCrum proposal, they could discuss their thoughts on the Penobscot McCrum proposal option at this time.

**10-B** Consideration of a proposal from the City's Ambulance Department to participate in a pilot program to enhance community health and bring greater efficiency to local health care delivery.

A Maine Emergency Management Services (EMS) Community Paramedic Pilot Program for Belfast:

This is a relatively new program that is being tested nationwide. Currently it is being used in Calais, Castine, Presque Isle, Augusta, Boothbay, Dover Foxcroft, Farmington, Scarborough, Searsport, Tenants Harbor, Lewiston, etc. There are both private and public emergency responders participating in this pilot program.

The program utilizes the defined skill sets of public and private emergency service workers such as Paramedics and EMTs to provide temporary assistance to people who are just outside eligibility for home healthcare.

At the written direction of patients Primary Care Physician (PCP), an EMS worker would visit that doctor's patient in their home to provide only those services within that emergency responder's scope of authority and certification.

The idea is to provide these services when there is some down or gap time between emergency calls. If there is an emergency call then the home visit appointment gets re-scheduled.

They may check vital signs; make sure the patient is following up on hospital discharge directions, taking the correct dose of documented prescriptions, etc. Everything is done under the PCP's direction and if the PCP is unavailable then it is done under the direction of the emergency room provider. In today's modern medical environment people are discharged from the hospital in relatively short periods of time. This offers an opportunity for some important follow-up to help the patient get back on their feet in a more financially efficient way.

Why do this?

1. To reduce the volume of unnecessary and expensive emergency room visits.
2. To fill a gap in health care for people who want to be in their home and may not want to go back to the hospital or doctor's office. (EMS can become home site eyes and ears on what is happening and report back to the PCP and also help the patient better understand the significance of their proscribed treatment)
3. To reduce the number of unnecessary ambulance calls which we like would likely not get paid for.
4. To improve the quality of health care for the community. More patient touches, enhanced opportunity for communication, prevent more people from falling through the cracks; provide reassurance and emotional health stability.
5. And -because we can do this without losing our existing Emergency Response Mechanisms.
6. We get more for our EMS dollar.
7. Because this is the wave of the future in health care and we do not want our competitors to outflank us on this important service.
8. There is demand for this service. Some of the private ambulance services are hiring additional paramedics to meet the volume of demand for these services and they fully expect that this investment will be worth solid financial gains in the future.
9. Because we expect that the savings generated by this program will be significant we believe that there will be legislation approved that will provide insurance payment for these services in the very near future. It is catching on nationally and Maine is already moving in this direction.

Remember we will not be providing any treatment that we are not already providing now, that we will not work out of the scope of our certified authorization and we will always be under the direction of a the patient's doctor. We do not expect to provide long-term assistance to anyone. These are short-term follow-ups and homebound medical assistance efforts.

We are looking to do this as a pilot program. We need to understand the level to which it will test our existing resources. We will likely start with one primary care physician first and monitor both the volume and severity of the work and the time it requires. We will branch out from there depending upon capacity. We can leave the program at any time but we do believe it will be good for everyone.

I have asked Debbie Heath who is Belfast's Primary Paramedicine Coordinator to come to your meeting on Tuesday to help you better understand this program. We have received training to run it as a pilot program, we have been approved by the State to operate this pilot program and we can withdraw from it at any time if it feels too cumbersome or unduly interferes with our existing EMS protocols. We are ready to implement this right away with Council approval.

I am checking on the insurance issues but I think we will be fine as the work we will be doing will be under the charge of the Primary Care Physician. I will update you regarding this at the meeting.

**10-C** First Reading on proposed amendments to the Cemetery Ordinance Section 18 provisions 18- 51 to 18-111.

These proposals come from the Cemetery Board of Trustees and have been in the hopper for some time. They are looking to increase their membership from 3 to 5 members and clarify a variety of provisions as to how we actually work day-to-day within the operation of our cemeteries. This is a first reading for your consideration and the specific language is in an attachment to this packet.

**10-D** Confirmation of Officer Jonathan Guba is a full-time Officer for the Belfast Police Department.

There is an email attached in your packet and Chief Mike McFadden will be at the meeting to officially recommend this appointment.

**10-E** Further consideration of a recommendation from the Energy Committee to install a thermal insulation demonstration project in Heritage Park.

The proposal involves building two sheds one heavily insulated the other not. The idea is to place a block of ice in each shed and then monitor the impact on thermal loss due to lack of insulation over time. The Energy Committee has proposed three locations. The Parks and Recreation Commission has reviewed this request and recommended

not allowing this demonstration in any one of these three locations because of the duration of time they would be there is too long and that they do not see the project as a fitting use of the parks or the Foot Bridge area. They have suggested putting it out in front of City Hall. When there are differences of opinion we often come to the Council to see if they can help us resolve it.

**10-F** Request from the Energy Committee for the City to approve and fund an LED lighting retrofit for City buildings.

The Committee commissioned an audit and wants to take advantage of reinstated rebates from Efficiency Maine that are only available until September.

There will be an attached memo from Assistant City Planner Sadie Lloyd in this packet explaining the cost and projected payback.

At this writing we have set no money aside for this project.

**10-G** Request from the Energy Committee to approve two small heating related upgrades at the Wastewater Treatment Plant.

There will be a memo in your packet explaining this. We still need to find the funding but I believe there is sufficient surplus at the Wastewater Treatment Facility to cover it.

**10-H** Request from the Public Works Director to use \$13,780 of the Culvert Capital Reserve to replace culverts on Perkins and Rolerson Roads.

One culvert is 50 feet long the second one is 40 feet long. We will use good practices to make sure that fish and wildlife can move from one end of the culvert to the other end. Every year we put \$5000 into this Capital Reserve and save it up for projects such as this.

**10-I** Discussion with the City Clerk on outstanding vacancies in a variety of City committees and boards.

City Clerk Amy Flood has canvassed all expiring terms and notified all standing members of committees and boards that their terms were expiring. She gave them until June 15<sup>th</sup> to notify her if they wish to be reappointed. Attached in your packet is a summary of all outstanding vacancies and indications whether or not we received applications for reappointment by the deadline. We are looking to fill vacancies,

encourage people to participate in these committees and boards and seek Council guidance on which ones you would like to interview prior to consideration of appointment.

## **10-J PUBLIC HEARING on PROPOSED AMENDMENTS TO CITY ORDINANCES.**

(To be Read aloud by Staff at the meeting.)

The City of Belfast City Council will now conduct a public hearing and the Second Reading of the following proposed amendments to the City Code of Ordinances:

- Chapter 102, Zoning, Article V, District Regulations, Division 30, Table of Uses, Proposal authorizes the Code Enforcement Officer, rather than the Planning Board, to review and issue Use Permits for certain uses in the Downtown Commercial zoning district.
- Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-242, Off-Street Parking Requirements, and Section 98-245, Areas Exempt from Parking Requirements, both of which mostly affect the Downtown Commercial zone. The proposal is to expand the size of the exempt parking area and to allow the Code Enforcement Officer to issue permits for Uses when three or less parking spaces are required.
- Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards, and Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district. These amendments would authorize adoption of a contract rezoning agreement to allow the potential division and reuse of an existing building (constructed prior to 1985) and property in circumstances when the lot or lots created by the proposed property division results in creating a lot or lots that do not comply with the minimum lot size and/or minimum street frontage requirement for the Downtown Commercial zone.

All those who may be affected by any of these proposals are encouraged to come forward at this time and offer public comment.

## **10-K Second Reading on proposed amendments to the City's Zoning Ordinance that impact the Downtown Area.**

These changes are outlined in a memo from City Planner in your Packet. They involve amendments to three areas of the Downtown regulations.

- A. This includes Chapter 102, Zoning, Article 5 District Regulations, Division 30 table of uses. This will authorize the Code Enforcement Officer, rather than the Planning Board, to review and issue Use Permits for certain uses in the Downtown Commercial zoning district.

- B. These amendments also include proposed changes to Chapter 98, Technical Standards, Article 8, Parking and Loading Facilities, Section 98 – 242, Off Street Parking Requirements, and Section 98 – 245 each of which mostly affects the Downtown Commercial Zoning District.

The proposed changes would expand the size of the exempt parking area and to allow the Code Enforcement Officer to issue permits for Uses when three or less parking spaces are required.

- C. Finally we are proposed amendments to Chapter 102, Zoning, Article 5, District Regulations, Division 31, Dimensional Standards and Article 10, Contract Rezoning, Division 5, Downtown Commercial Zoning District.

These amendments would authorize adoption of a contract rezoning agreement to allow the potential division and reuse of an existing building (constructed prior to 1985) and property in circumstances when the lot or lots created by the proposed property division results in creating a lot or lots that do not comply with the minimum lot size and/or minimum street frontage requirement for the Downtown Commercial zone.

## **10-L PUBLIC HEARING on PROPOSED AMENDMENTS TO CITY ORDINANCES**

(To be Read aloud by Staff at the meeting.)

The City of Belfast City Council, at this meeting will conduct a public hearing and the Second Reading of the following proposed amendments to the City Code of Ordinances:

- Chapter 66, General Provisions, proposal to establish revised definitions for a back lot and lot frontage.
- Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards that involve establishing the minimum front setback requirement for properties located in the Birch Street, Cottage Street, Charles Street, Ocean Street and Pearl Street areas.
- Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-247, Front Yard Parking Restrictions, that proposes amendments to the current prohibition on parking in the front yard area for the Residential 1, Residential 2 and Residential 3 zoning districts.

The above amendments mostly address several concerns associated with implementation of amendments to City Ordinances for the Inside the Bypass area that the Council adopted in October 2014, or requests from property owners, and all were

recommended to the City Council by the Belfast Planning Board. The Council conducted the First Reading of the above amendments at its meeting of June 7, 2016.

All those who may be affected by any of these proposals are encouraged to come forward at this time and offer public comment.

**10-M** Second Reading on proposed amendments to the City's Zoning Ordinance that impact the Downtown Area.

These changes are outlined in a memo from City Planner in your packet. They involve amendments to three areas to the Zoning area Inside the Bypass.

- Chapter 66, General Provisions, proposal to establish revised definitions for a back lot and lot frontage.
- Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards that involve establishing the minimum front setback requirement for properties located in the Birch Street, Cottage Street, Charles Street, Ocean Street and Pearl Street areas.
- Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-247, Front Yard Parking Restrictions, that proposes amendments to the current prohibition on parking in the front yard area for the Residential 1, Residential 2 and Residential 3 zoning districts.

The above amendments mostly address several concerns associated with implementation of amendments to City Ordinances for the Inside the Bypass area that the Council adopted in October 2014, or requests from property owners, and all were recommended to the City Council by the Belfast Planning Board. The Council conducted the First Reading of the above amendments at its meeting of June 7, 2016.

**10-N** Update on the Front Street Reconstruction Project, the Washington Street Project and the proposed construction of a new building by the Front Street Shipyard.

City Planner Wayne Marshall will provide an update at the meeting.

**10-O** Further consideration of identifying a name for the Rail Trail.

**10-P** Signing of Council Orders

That's about it for now. In more than two decades the City has not gone out and used its authority under eminent domain to take a piece of property from a private entity. It is rarely done because it is rarely needed. Normally folks are able to work out agreements where they are needed. Recently in the case of the airport we needed to have easements with eight adjacent property owners that would require cutting of trees on their property if they reached a certain height. Fortunately all eight of those property owners worked with us to negotiate the matter to come to a resolution without anybody exercising eminent domain. We exercised it in the past when we built the sewage treatment plant and when we built the Washington Street parking lot. It's not the preferred solution, it never has been. That's why we spent more than five years talking to Penobscot McCrum about how we could work together to let people of all physical abilities to get access across a narrow strip of property on their land. We don't want to own the property we don't want to control the property we simply want to allow the public to be able to go across it. The existence of a path across the McCrum property would not interfere with their ability to use their waterfront. That was never our goal nor was it to interfere with the daily operations of their business. That is why this location was selected because almost all the area is not used by the company on a day-to-day basis.

There are concerns about the presence of ammonia at the plant. Those concerns exist whether or not we ever have a Rail Trail. That is why the City has work with Penobscot McCrum over the last year to institute safety precautions and emergency response mechanisms so that we are prepared or better prepared to respond to an emergency if there is one. Part of that will include a siren being located at Penobscot McCrum facility so that if there is a leak it will warn people within 2 miles that they should stay indoors and await further instructions. Ammonia is a common industrial product. It is regulated by the State and Federal government and those who are in control of ammonia systems are charge with great responsibility in making sure that it does not pose a danger to anyone.

I agree that there are safety concerns to be addressed and we are willing to do that to the maximum level of safety precaution we can do as we allow people to walk or bicycle across this requested easement. We have always stood ready to work with Penobscot McCrum in any capacity to make their use of ammonia safer.

Today there is an ammonia facility on Front Street at the freezer plant. This plant is surrounded by parks, sidewalks, public streets and residences. It certainly appears to propose the same level of risk that we would look to try and protect against near the manufacturing plant.

We understand that owners of property don't want somebody else trying to exercise some control over it. It's a deeply rooted feeling. The question has to be at what point in time does a community need rise to the level of a priority over that private owners concerns. It is still my hope that we can work this out and find a way to positively coexists so that each of these resources can continue to benefit this community.

**City of Belfast  
Consent Agenda  
Tuesday, June 21, 2016  
Meeting #24**

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 an off premises catering permit for Delvino LLC d/b/a La Vida for the Ukulele Picnic located at Steamboat Landing Park on Saturday, June 4, 2016 from 10:00 a.m. to 5:00 p.m.**

Motion to approve an off premises catering permit for Delvino LLC d/b/a La Vida for the Ukulele Picnic located at Steamboat Landing Park on Saturday, June 4, 2016 from 10:00 a.m. to 5:00 p.m.

- B. Request to spend \$810 from the Cemetery Trust Fund Account #630-504, FY 2015-2016 to Holmes Greenhouse & Flower Shop under the Perpetual Care Contract with the City for the spring flower arrangements.**

Motion to approve the request to spend \$810 from the Cemetery Trust Fund Account #630-504, FY 2015-2016 to Holmes Greenhouse & Flower Shop under the Perpetual Care Contract with the City for the spring flower arrangements.

**June 2016 Amendments to City of Belfast Cemetery Ordinance, Section 18**  
**As recommended by the Board of Cemetery Trustees**

(Sections not included herein will remain unchanged from the version codified as of June 1, 2016)

**Sec. 18-51 Established; membership; appointment and term of members.**

The Board of Cemetery Trustees shall consist of five members and one alternate member, appointed by the City Council. The term of office of a trustee shall be three years. The terms shall be overlapping so that in any one year no more than two trustees are appointed to the Board.

**Sec. 18-52 Officers; records and reports.**

The Board shall conduct an annual meeting after the annual appointment of new trustees and before the first day of the calendar year, at which officers shall be appointed. Officers shall include a Chair of the Board and a Secretary to serve terms of one to three years, at the Board's discretion. The Secretary shall keep a record of all proceedings of the Board.

**Sec. 18-54 Appointment of Cemetery Superintendent.**

The Board of Cemetery Trustees shall consult and collaborate with the City Manager regarding the filling of any vacancy in the position of Cemetery Superintendent. The Board shall recommend to the City Manager the appointment of a Superintendent for the custody and care of all public cemeteries in the city, as well as an applicable term of one to three years. The Board may recommend to the City Manager the removal of the Superintendent for cause whenever in its judgment the best interest of the cemeteries shall be promoted thereby.

**Sec. 18-55 Supervision of cemeteries.**

It shall be the duty of the Board of Cemetery Trustees to advise the Superintendent, City Manager and the City Council on matters dealing with City-owned cemeteries. This will include review and recommendation of budgets as well as long-term capital planning and review of any new policies or procedures to be followed on a regular basis at the City cemeteries.

The Cemetery Superintendent shall have the day-to-day responsibility of overseeing the management and operation of all City-owned cemeteries, and all work done therein shall be subject to his or her approval.

**Sec. 18-72 Use of funds.**

The City Treasurer shall submit an account of perpetual care funds to the Board of Cemetery Trustees in a reasonable period after the close of each municipal year and at other times when

requested by the Board. The Board of Cemetery Trustees shall make recommendations to the City Council regarding the use of cemetery trust funds for perpetual care purposes.

Sec. 18-72 Accounts; investment of funds.

It shall be the duty of the City Treasurer to keep an account of perpetual care funds under the designation of "Cemetery Fund." Investment of said funds shall be as determined by the City Council in accordance with applicable law.

Sec. 18-111 Work to be done only by cemetery employees.

Work in City cemeteries must be performed by the employees of the City cemeteries, unless otherwise directed and approved by the Cemetery Superintendent. Such work must be carried out under the supervision of the Cemetery Superintendent.

10.D

**City of  
Belfast**

Manda Cushman &lt;managersasst@cityofbelfast.org&gt;

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**Full time officer confirmation**

1 message

**Michael McFadden** <chief@belfastmepd.org>

Fri, Jun 17, 2016 at 9:59 AM

To: Manda Cushman &lt;managersasst@cityofbelfast.org&gt;

Jonathon T. Guba, Born and raised in Shrewsbury MA, after graduating high school Mr. Guba packed up and came to Waldo County to enroll in the Conservation Law Program at Unity Collage. Mr. Guba was interested in being a Game Warden initially, but after a summer job last summer with the Old Orchard Beach Police Department he decided he liked dealing with humans a bit more than other types of animals. Mr. Guba also put himself through the Maine Law Enforcement certification course and became certified as a Reserve Officer. In conversation with Deputy Chief Timothy Deluca from the Old Orchard Beach Police Department, Mr. Guba was praised for learning fast and dealing with difficult situations as if he had many more years of experience than he actually did. D/C Deluca indicated that his department employs a lot of part time officers each summer. He said the best compliment he could give Mr. Guba was that he would happily accept him back for another summer in OOB.

On 03/21/2016 Officer Guba was sworn in to duty as a Part Time Belfast Police Officer. He started his Field Training with our most experienced Officers right away. Officer Guba has demonstrated the ability to quickly learn the ropes. He's fit in well with the community and the Officers here at the Belfast Police Department. I'm not sure what Officer Guba anticipated by coming to work for the Belfast Police Department, however since starting here he has been involved in several very intense situations. Officer Guba has been praised by his trainers and other officers alike for his willingness to get involved in dangerous situations.

The Belfast Police Department currently has a full time opening due to Officer Greg Jones resigning. I'm submitting Officer Jonathan Guba's name to the council for confirmation as a Full Time Police Officer for the Belfast Police Department to replace the vacancy left by Officer Jones.

Chief Michael J. McFadden III

Belfast Police Department

112 Church Street

Belfast, Maine 04915

Office: (207) 338-5255

FAX: (207) 338-0258

**Dial 911 for all Emergencies***Confidentiality notice: This message is intended only for the person to whom addressed in the text above and*

10.E

## MEMORANDUM

June 13, 2016

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

Cc: Carol Good, Chair and the Belfast Parks and Recreation Commission

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Facility Use Request – City Energy Committee

The City of Belfast Energy Committee under the guidance of Assistant City Planner Sadie Lloyd has submitted a Facility Use Request to place two miniature houses in Heritage Park for a live educational public display. The two houses, size 4' x 4' and 7' tall would be in place from July 11 – mid-August and will need access to power. The dates of any temporary structure must be less than 30 days and is outlined in the deed restrictions with Maine Coast Heritage Trust.

The locations being proposed by the Energy Committee are:

1<sup>st</sup> choice: Heritage Park 2<sup>nd</sup> choice: by the Footbridge 3<sup>rd</sup> choice: Steamboat Landing Park

The opinion of the Parks Commission and the Department is that the duration of time is too extensive and all three locations do not fit in to the purpose and use of the parks or the Footbridge area.

Why not in front of City Hall if visibility is the goal – this location would be ideal. The Park and Harbor Walk is not the location for a display of this nature. The duration of the display could pose problems with maintaining the parks and damage the grass area. The Parks Commission and the Department does not recommend approval of this request and its suggested locations.

**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?

Sadie Lloyd, Assistant Planner, City of Belfast 207-338-1417 x 18  
slloyd@cityofbelfast.org

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?):

Demonstration project by the City Energy Committee  
2 miniature houses (approx. 4'W x 4'D x 7'H) will be constructed side by side,  
one with standard construction one with highly efficient "tight" construction.  
A large block of ice will be enclosed in each one for a period of about  
a month, after which the contents will be revealed to see what  
affects the different construction methods had on the ice melting (the rate)

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.

~~Locations~~ The committee's first choice is the knoll in Heritage Park. Their second choice is next to the intersection of the harbor walk and the footbridge, the third choice is ~~near~~ Steamboat landing (see attached map)

City parks or land (see previous page)

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

mid-to-late July through mid-to-late August. Would work with Norm to ensure no conflicts w/ events

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

No

If yes then who will manage these closed off Streets?

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

~~Nothing~~ The Committee has asked the Council for a monetary contribution to the cost of the project.

7. How many people do you expect?

this is an on-going demonstration people will engage with as they walk on the harbor walk and on the water front.

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:

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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.

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

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

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

None.

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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?

NO. Project is a city project and would therefore be covered under city liability ins.

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

See above

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

none

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16. How do you propose to handle garbage removal?

No garbage will be generated

17. How do you propose to handle parking?

People engaging with the demonstration will use public parking and likely doing other things in town

18. How do you propose to handle security?

none necessary. vandalism would be addressed by the police.

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

Public restrooms are nearby

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

If there is no electric connection at the selected location the committee is proposing a small solar panel/s

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?

City Hall, office of Code + Planning, Assistant Planner

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

potential connection to power (electricity)

**Department**

**Service Requested**

City Manager

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Police

*Keep an eye out for vandalism per usual patrols*

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Fire/ Ambulance

---

Parks

---

Public Works

---

Harbor

---

Other?

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**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.**



## 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.**

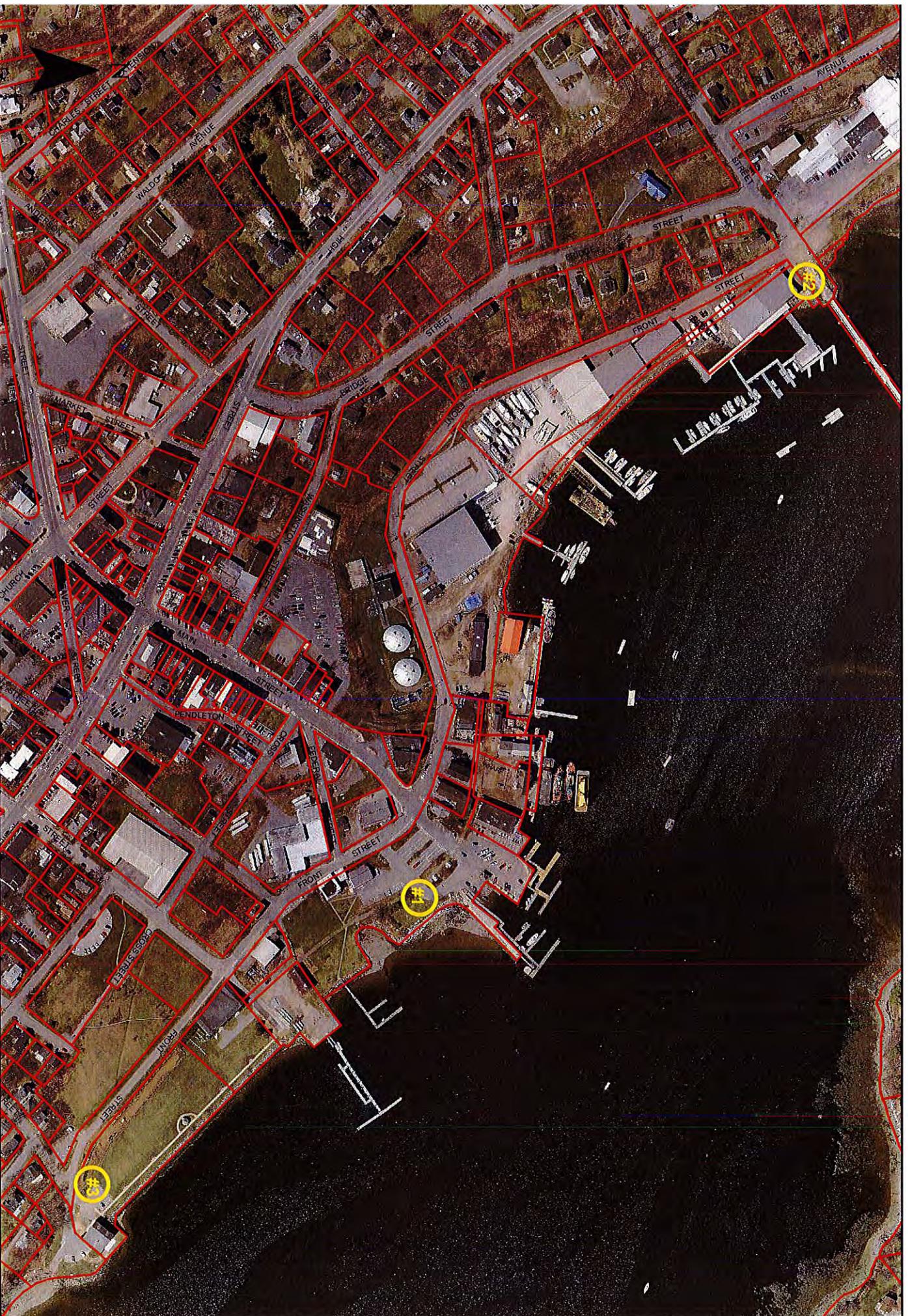
Signature

Date:

6/7/16

Printed Name:

Sadie Lloyd



Demonstration Project  
proposed locations



# PASSIVE ICE HOUSE

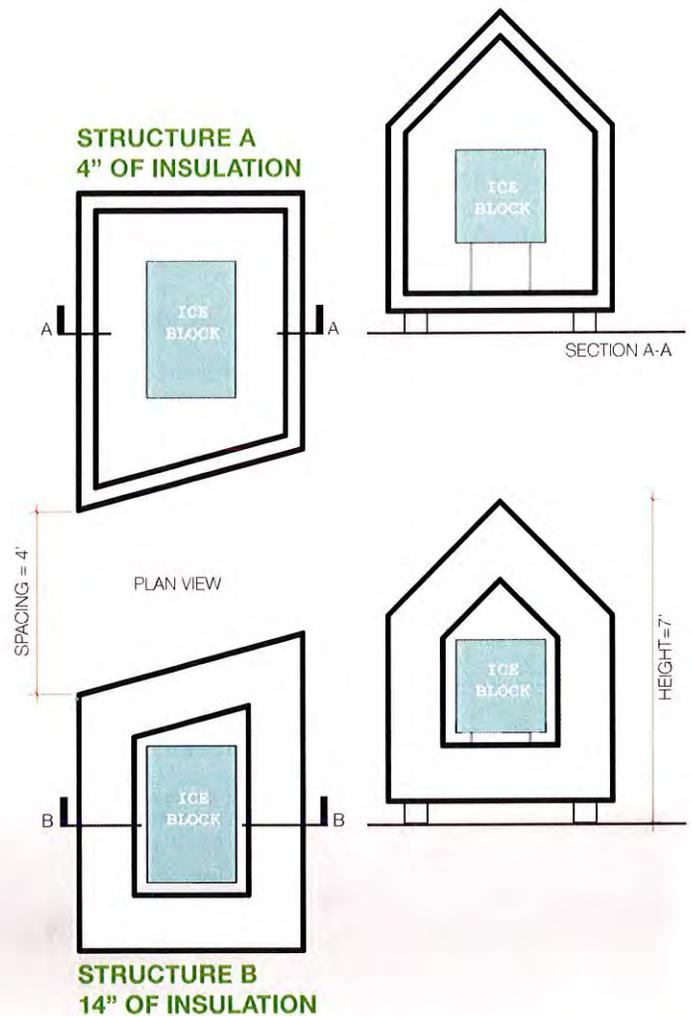
Concept for Energy Sculpture in Belfast, ME

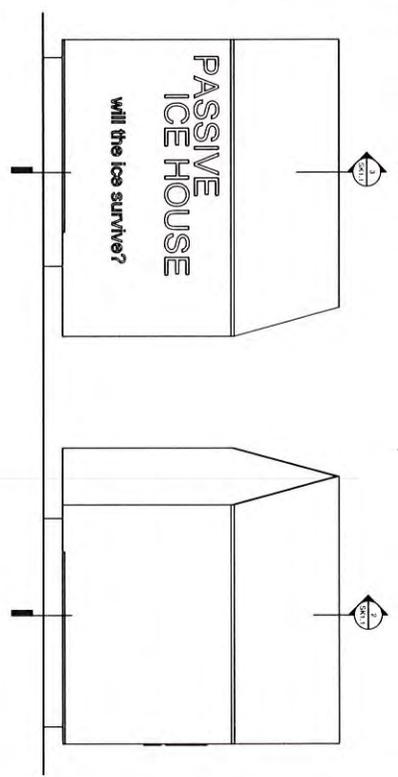
In January, we will place two blocks of ice into two insulated structures, and we will pose the question - **Will the ice blocks survive until July?**

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?

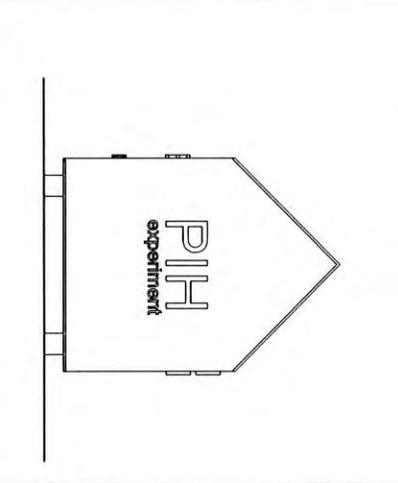
Although some of the finer design decisions have yet to be finalized, we feel the concept is strong. There will be an indicator in some form of the status of the ice inside, be it a peep hole with a LED light on a timer so viewers can look inside, or a reservoir visible from the outside that the melted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

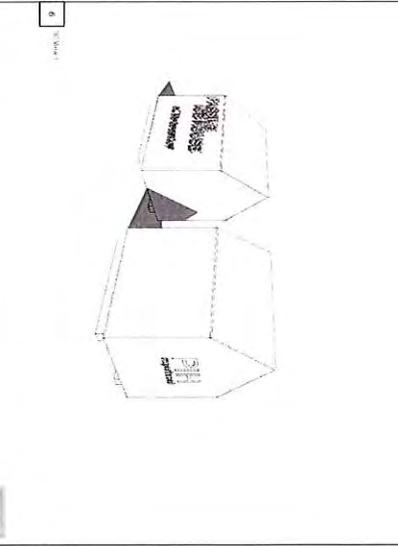




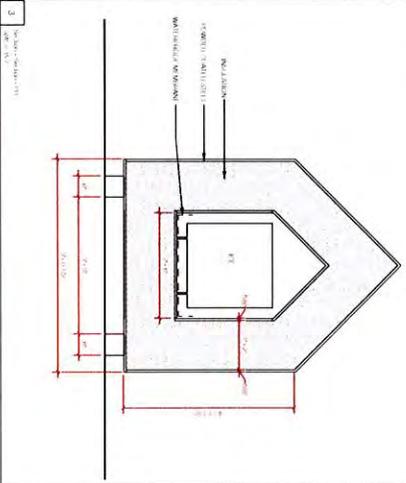
3 Elevation  
Apr. 2011



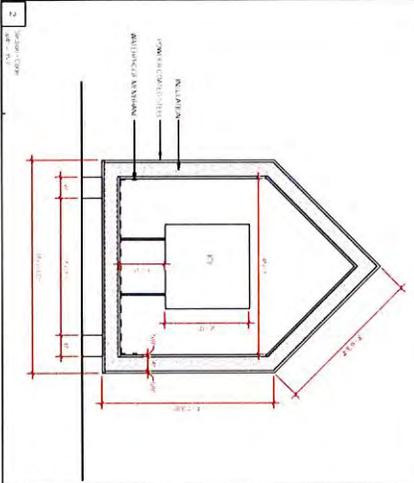
4 Elevation  
Apr. 2011



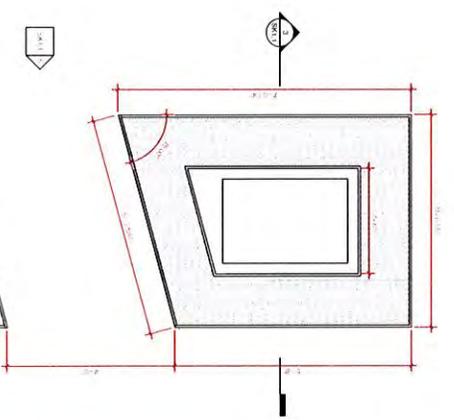
6 Section  
Apr. 2011



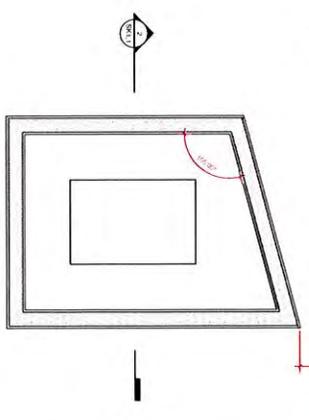
5 Section  
Apr. 2011



2 Section  
Apr. 2011



Section



Section

1 Section  
Apr. 2011

NOT FOR CONSTRUCTION

## MEMORANDUM

10.E, F+G

TO: MAYOR & CITY COUNCIL  
FROM: SADIE LLOYD, ASSISTANT PLANNER  
DATE: JUNE 17, 2016  
RE: ENERGY COMMITTEE UPDATES

*Actions requested:* Grant Permission for the Energy Committee to install the proposed demonstration project in Heritage Park.

Provide budget direction for building LED lighting retrofits.

I will attend your June 21st Council meeting to review updates. Below is an overview.

**Demonstration project**

I reviewed the demonstration project at your last meeting. The proposal was denied by the Parks Commission last week. I believe Norm Poirier has prepared their finding for you. I have been in touch with Maine Coast Heritage Trust (MCHT) and the project does not violate the easement. They will be providing written notice of their approval. Ultimately the final approval lies with the Council. The Committee is asking that you formally approve the project at your meeting on Tuesday. The Committee would like to install the project in the beginning of August.

If approved, the project installation will depend on the Committee's ability to raise funds for the project prior to August.

**LED lighting conversion**

Efficiency Maine reinstated their business lighting program for a short time, only until September. Our building lighting auditor, TRC, has updated the project cost and payback figures. Below is a chart that summarizes the Committee's formal recommendation for building LED lighting retrofits:

② + 7.01

Building	Annual Cost Savings	Net total Cost (cost minus EMT rebate)	Simple Payback (years)
Harbor Master House	\$332	\$1,836	6
Public Restrooms	\$144	\$1,601	11
Wastewater Treatment Plant	\$3,364	\$15,402	5
City Hall	\$2,282	\$32,571	14
Police Station	\$783	\$8,829	11
Fire Department	\$1,010	\$9,359	9
Grove Cemetary	\$164	\$1,012	6
Public Works Buildings	\$1,456	\$11,713	8
Transfer Station	\$277	\$2,034	7
Trap Shack	\$77	\$615	8
<b>Total</b>	<b>\$9,889</b>	<b>\$84,972</b>	<b>9</b>

As you can see the total project cost for these 9 buildings is estimated to be \$84,972 and the retrofits would create an estimated \$9,889 of energy savings (electricity) each year. The project payback time is 8.6 years.

While the Committee is formally recommending the retrofits listed in the chart, they recognize that at this time they do not have the funds to install them even if the Council were to approve the project. Because we would need to go out to bid for the installation work, and the rebates are only available until September, the Council should provide budgetary guidance in the immediate future if you want to pursue this work.

#### **Upgrades to the Waste Water Treatment Plant**

The Energy Committee met Friday morning (the 17<sup>th</sup>) and determined that they wanted to get more information from the heating systems specialist (Andrew McPartland) before making a formal recommendation.



CITY OF BELFAST, MAINE 04915  
131 CHURCH STREET

10.4

**Robert (Bob) Richards**  
Public Works Director  
publicworks@cityofbelfast.org

**Tel: (207) 338-2375**  
**Fax: (207) 338-6222**

To: Joe Slocum, City Manager

Mayor, Council Members

Re: Culverts

I would like permission to take \$ 7,600.00 for a culvert on the Perkins Road and \$ 6,180.00 for a culvert on the Rolerson Road out of account # 410-697 which is the Culvert Capital Improvement account. This is for replacing a culvert at both of these locations. One of the culverts is 6 ft. x 50 ft. poly coated metal and the other is 6 Ft. x 40 Ft. poly coated metal.

Thank you,

Bob Richards

Public Works Director



# Quote



**Quote No** 524575  
**Quote Date** 06/08/16 4:15 PM  
**Quote Expires** 06/18/2016  
**Cust Account** 546  
**Your Ref** Perkins Rd.  
**Created By** Duncan Brown  
**Branch** Blue Hill

**Invoice Address**  
 City Of Belfast  
 Accts Payable  
 131 Church St  
 Belfast, Maine, 04915

**Delivery Address**  
 Job: 1-Highway Dept-Belfast  
 Perkins Rd. Culvert Relacement

Special Instructions		Notes			
		Contact Name: Bob Richards			
Product Code	Description	Qty/Footage	Price	Per	Total
*Earthwork-_0689	72" 5" X 1" corrugation 14 ga Poly Coated culvert 50' run This Price Includes 2 pc. of pipe 1/24' 1/26' and 1 coupling	1 ea	7,400.00	ea	7,400.00
FR	FREIGHT	1 ea	200.00	ea	200.00

Quote

Quote Disclaimer - This quote is designed solely to provide the contractor/consumer with a rough quote of the amount of material used in the given project. The material quote will be based upon calculations or data provided by the contractor/customer and such quote assumes, among other things, normal and typical building and construction techniques. The actual amount of material used may vary from the material estimate due to a number of factors. Consequently, no representation or warranty has been made that the actual amount of material used will not vary from the quote.

Total Amount	7,600.00
Sales Tax	0.00
Quotation Total	7,600.00

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Subject to our terms and conditions of sale. Further copies available on request.

**BELFAST**  
(207) 338-3480

**BLUE HILL**  
(207) 374-5645

**HANCOCK**  
(207) 422-3321

**HOLDEN**  
(207) 843-5183

**LINCOLNVILLE**  
(207) 236-3871

**MACHIAS**  
(207) 255-6692

**MILBRIDGE**  
(207) 546-7828

**VINALHAVEN**  
(207) 863-2242

**WARREN**  
(207) 273-3480



# Quote



**Quote No** 525420  
**Quote Date** 06/10/16 4:47 PM  
**Quote Expires** 06/20/2016  
**Cust Account** 546  
**Your Ref** Rollerson Rd.  
**Created By** Duncan Brown  
**Branch** Belfast

**Invoice Address**  
 City Of Belfast  
 Accts Payable  
 131 Church St  
 Belfast, Maine, 04915

**Delivery Address**  
 Job: 1-Highway Dept-Belfast  
 Rollerson Rd. Culvert Replacment

Special Instructions		Notes			
		Contact Name: Bob Richards			
Product Code	Description	Qty/Footage	Price	Per	Total
*Earthwork-_0690	72" 5" X 1" Corragation 14 ga. Poly Coated Culvert 40' run This Price Includes 2 pc. of pipe 20' and 1 coupling	1 ea	5,980.00	ea	5,980.00
FR	FREIGHT	1 ea	200.00	ea	200.00

Quote

Quote Disclaimer - This quote is designed solely to provide the contractor/consumer with a rough quote of the amount of material used in the given project. The material quote will be based upon calculations or data provided by the contractor/customer and such quote assumes, among other things, normal and typical building and construction techniques. The actual amount of material used may vary from the material estimate due to a number of factors. Consequently, no representation or warranty has been made that the actual amount of material used will not vary from the quote.

Total Amount	6,180.00
Sales Tax	0.00
Quotation Total	6,180.00

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Subject to our terms and conditions of sale. Further copies available on request.

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**VINALHAVEN**  
(207) 863-2242

**WARREN**  
(207) 273-3480



# CITY OF BELFAST, MAINE 04915

131 Church Street

**Tel: (207) 338-3370**  
**Fax: (207) 338-6222**

10.J

Council,

Information regarding Committee Term Expirations:

A list of Vacancies was posted at City Hall and on our website, as well as provided to you for Notice. On May 31, 2016 letters were sent via mail and email to all Committee Members with expiring terms, along with an application to complete and return by June 15, 2016. Out of 24 Expiring Terms, we received 12 applications and 3 notices of not intending to reapply. All of the applications, including 7 new, and letters of not intending to reapply, have been included for your review. These are also accompanied by a running list of all Committees, Expiring terms, Vacancies, and applications received to date.

Thank you for your attention.

Amy I. Flood

City Clerk

**City of Belfast  
Committee's with July 1st 2016  
Expirations or Vacancies (Application Received)**

<b>Airport Advisory:</b>	<b>(2) Term Expiration</b>		<b>Terms: 3 year</b>
	Duke Tomlin	Yes	
	William Ryan	No	
	<b>(1) Vacancy</b>		
<b>Board of Assessment Review:</b>	<b>(3) Term Expiration</b>		<b>Terms: 3, 2, 1 year (3 year) (1 year) (1 year)</b>
	Biff Atlas	No	
	David Bond	Yes	
	Mary Dutch	Yes	
	<b>(1) Vacancy</b>		
<b>Brownfields Selection Committee:</b>	<b>(1) Vacancy</b>		<b>Terms: Upon Comple Project (9/30/2016)</b>
<b>CDBG Downtown Revitalization Advisory:</b>	<b>(1) Vacancy</b>		<b>Terms: Upon Comple Project (extended thro</b>
<b>CDBG Housing Assistance Advisory:</b>	<b>(2) Vacancy</b>		<b>Terms: Until Completi Project (extended thro</b>
<b>CDBG Micro-Enterprise Assistance Advisory:</b>	<b>(1) Vacancy</b>		<b>Terms: Until Completi Project (6/30/2015)</b>
<b>Cemetary Board of Trustees:</b>	<b>(1) Term Expiration</b>	<b>New: Megan Pinette</b>	<b>Terms: 3 year</b>
	Ann Mullen	No	
<b>Energy &amp; Climate:</b>	<b>(3) Term Expiration</b>		<b>Terms: 2 &amp; 3 year (2 year) (2 year) (2 year)</b>
	Eric Sanders	No	
	Sadie Lloyd	Yes	
	Michael Hurley	No	
<b>Harbor Advisory:</b>	<b>(3) Term Expiration</b>	<b>New: Gerald Brand</b>	<b>Terms: 2 year  (Alternate)</b>
	David Carlson	Yes	
	James Black	Not inteded to renew	
	Robert Winslow	Yes	
<b>Library Board of Trustees:</b>	<b>(1) Term Expiration</b>		<b>Terms: 3 year</b>
	Peter Reilly	Not inteded to renew	
	<b>(1) Vacancy</b>	<b>New: Robert Adler &amp; Ryan Harnden</b>	
<b>Parks &amp; Recreation Commission:</b>	<b>(3) Term Expiration</b>		<b>Terms: 3 year</b>
	Aynne Ames	Yes	
	Catherine Gleeson	Yes	
	Larry Theye	Yes	
	Robert Gordon	No	
	<b>(1) Vacancy</b>	<b>New: Rafe Blood &amp; Brian Schortz</b>	
<b>Pedestrian Biking &amp; Hiking:</b>	<b>(2) Term Expiration</b>		<b>Terms: 1 &amp; 2 year</b>
	Elizabeth Fitzsimmons	Not inteded to renew	
	Glenn Montgomery	Yes	
	James Merkel	Yes	
	<b>(1) Vacancy</b>		
<b>Planning Board:</b>	<b>(1) Term Expiration</b>	<b>New: Ryan Harnden</b>	<b>Terms: 5 year</b>
	Biff Atlas	No	
<b>Water District Trustees:</b>	<b>(1) Term Expiration</b>		<b>Terms: 5 year</b>
	Stephen Hall	Yes	
<b>Zoning Board of Appeals:</b>	<b>(2) Term Expiration</b>		<b>Terms: 3 year</b>
	Doug Smith	No	
	Daniel McCarthy	Yes	
	<b>(1) Alternate Vacancy</b>		

# AGENDA TOPICS 10.J & K

TO: Mayor & City Council  
FROM: Wayne Marshall, City Planner  
DATE: June 17, 2016  
RE: Second Reading and Public Hearing - Proposed Ordinance Amendments -  
Downtown Commercial Zoning District

## **REQUESTED ACTIONS**

The City Council, at its meeting of June 7, 2016, conducted the First Reading of several amendments to the City Code of Ordinances that affect the Downtown Commercial zoning district that were recommended by the Belfast Planning Board. The Council, at the above meeting, reviewed these proposals and offered no changes to the proposed language. Thus, I am now requesting the following actions by the Council:

**Action #1.** Conduct the Public Hearing on the three proposals, Agenda Topic J.

**Action #2.** Conduct the Second Reading on each of the three proposals, Agenda Topic K, and adopt individual motions for each of the proposed amendments. Action would be to adopt as presented, identify recommended revisions, or to reject the proposals. If you identify substantive changes to a respective proposal, you will need to schedule such for a follow-up Second Reading and Public Hearing.

## **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 some 'fine-tuning' changes that we believe are appropriate. In addition, the Board received a new request, from Archie Barnes, owner of the Phoenix Row block, regarding a proposed division of his property 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). Further, the Council appeared to support this proposal at its meeting of June 7, and to date, no written or email comment has been received in response to the published public hearing notice.

## **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 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 whether property is or is 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. The Council asked questions during the First Reading of the proposal at your meeting of June 7, and expressed your support of the amendments. To date, the Department has not received any specific email or written comment in response to the published public hearing announcement.

### **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 that the City grant the use of contract rezoning as the most appropriate tool to consider an application to divide a property in which one or more lots that would be created would not satisfy the minimum lot size requirement, provided the lot includes a building that was constructed prior to 1985.

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. The Council expressed its support of the proposal during the First Reading of such at your meeting of June 7. And, while no public comment has been submitted in writing or via email in response to the published public hearing notice before the Council, I note that Brent Martin, City Assessor and I participated in a site walk with Archie Barnes, owner of the Phoenix Row block, his attorney, Jeremy Marden, and legal counsel for Darby's post the June 7 First Reading. In short, he is anxious for the adoption of this amendment.

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES  
CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING TUESDAY, JUNE 21, 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 conducted the First Reading of these proposed amendments at its meeting of June 7, 2016, and scheduled the Second Reading and public hearing for its meeting of June 21, 2016. The Council, at the Second Reading, 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.**

## 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)**

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
<b>MINIMUM LOT SIZE</b>						
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
<b><u>MINIMUM STREET FRONTAGE FOR A LOT</u></b>						
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

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES  
CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING JUNE 21, 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 conducted the First Reading of this proposal at its meeting of June 7, 2016 and expressed its support of the proposal. The City Council is conducting the Second Reading and Public Hearing on the proposal 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, adopt with revisions or to reject 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 TO READER: REFER TO MAP FOR PROPERTIES NOW PROPOSED TO BE INCLUDED IN THE EXEMPT PARKING AREA.**

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 **northwesterly corner of Map 11, Lot 172, which is the U.S. Post Office; thence along the rear boundary of Map 11, Lot 172 until it intersects with the centerline of Franklin Street; thence along the centerline of Franklin Street in a northeasterly direction until it 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 **northeasterly along the centerline of Cross Street until it intersects with the easterly bound of Map 11, Lot 160; thence northerly and westerly along the side and rear property line of Map 11, Lot 160, until such intersects with the centerline of Federal Street; thence northeasterly along the centerline of Franklin Street until it intersects with the centerline of Front Street; thence southwesterly along the centerline of Front Street until it intersects with the northern most corner of Map 11, Lot 166; thence in a southerly direction along the westerly property line of Map 11, Lot 166, until a project of said line intersects with the northern rear corner of property identified as Map 11, 123-A; ~~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 continuing from the corner of Lot 123-A** 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.

Area 2: This area includes ~~three the~~ parcels: ~~identified as~~ Map 11, Lot 37, which is an apartment complex, Map 11, Lot 35, which is the City Library, ~~both of which have street frontage on High Street~~ and Map 11, Lot 34, the Unitarian Universalist Church.

**Area 3: Property identified on the City of Belfast Tax Maps as Map 11, Lot 152.**

- 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.**

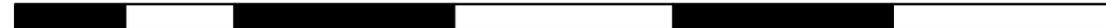
# PROPOSED REVISIONS - EXEMPT PARKING AREA MAP



**RED LINE - DOWNTOWN ZONING DISTRICT BOUNDARIES OF DISTRICT**  
**YELLOW SOLID LINE - EXEMPT PARKING AREA**  
**YELLOW DASHED LINE - PROPOSED ADDITIONS TO**



210 105 0 210 420 630 840 Feet



**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES  
CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING TUESDAY, JUNE 21, 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, either 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 conducted the First Reading of the proposed amendments at its meeting of June 7, 2016. The Council is 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 TOPICS 10.L & M

TO: Mayor & City Council  
FROM: Wayne Marshall, City Planner  
DATE: June 16, 2016  
RE: Second Reading - Proposed Ordinance Amendments - Residential 1, 2 and 3 zoning districts & Definitions

## **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, and to two of the Definitions in Chapter 66. The Council conducted the First Reading of these amendments and its meeting of June 7, and the Second Reading and Public Hearing is scheduled for your meeting of June 21. I am requesting the following actions from the Council at your June 21 meeting.

**Action #1.** Conduct the scheduled public hearing on the amendments, Agenda Topic L.

**Action #2.** At the Second Reading, vote to adopt, adopt with amendments or to reject the proposed amendments. I would like the Council to take separate votes on each of the three amendments. Also, if you choose to make significant revisions, the proposal would need to come back to the Council for an additional hearing and second reading.

Information on each of the respective proposals is provided below.

## **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 eight 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. To date, no property owners have offered comment in response to the public hearing notice sent to property owners. 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 it more clearly defines when and how the policy is applied.

Also, at the First Reading (June 7) of the proposal, the Council requested that I add language to ensure that this provision would only apply to an existing property when a real change occurred, such as the construction of a new or additional dwelling unit or the expansion of an existing business. I have included a clause in Section A (page 2) that I believe addresses this request.

To date, no persons have offered comment in response to the published public hearing announcement regarding this proposal.

## **CHAPTER 66, GENERAL PROVISIONS (Definitions)**

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.

To date, no public comment has been received in response to the published public hearing announcement.

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES  
CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING - TUESDAY, JUNE 21, 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 conducted the First Reading of the proposed amendments at its meeting of June 7, 2016, and has scheduled the Second Reading and public hearing regarding the proposal for 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.~~

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES  
CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING TUESDAY, JUNE 21, 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. 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.
- 3) The City Council conducted the First Reading of the proposed amendments at its meeting of June 7, 2016, and expressed support of the amendments. The Council will 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 102, ZONING**

#### **ARTICLE V, DISTRICT REGULATIONS**

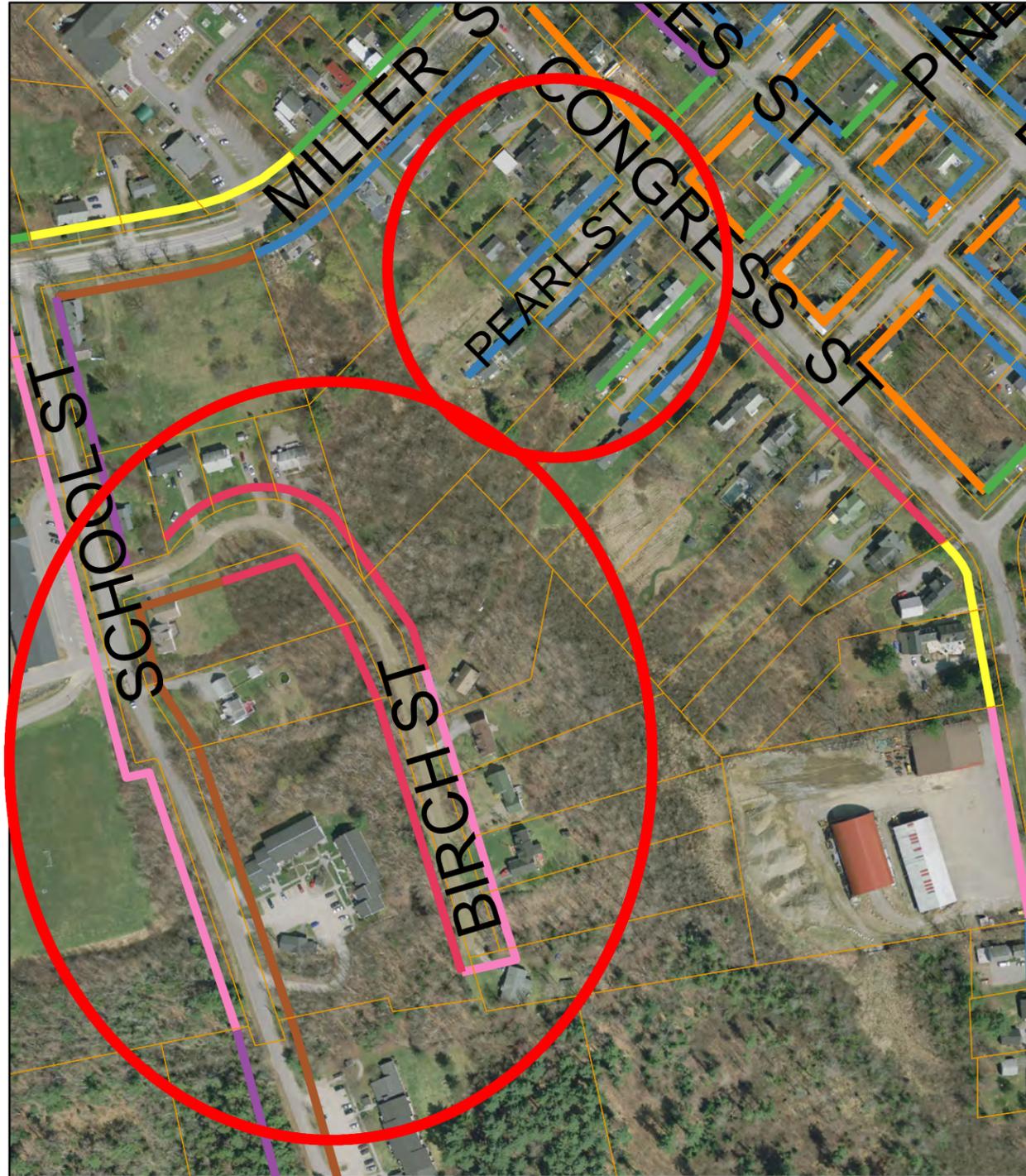
#### **DIVISION 31, DIMENSIONAL STANDARDS**

##### **Minimum Front Setback for Structures**

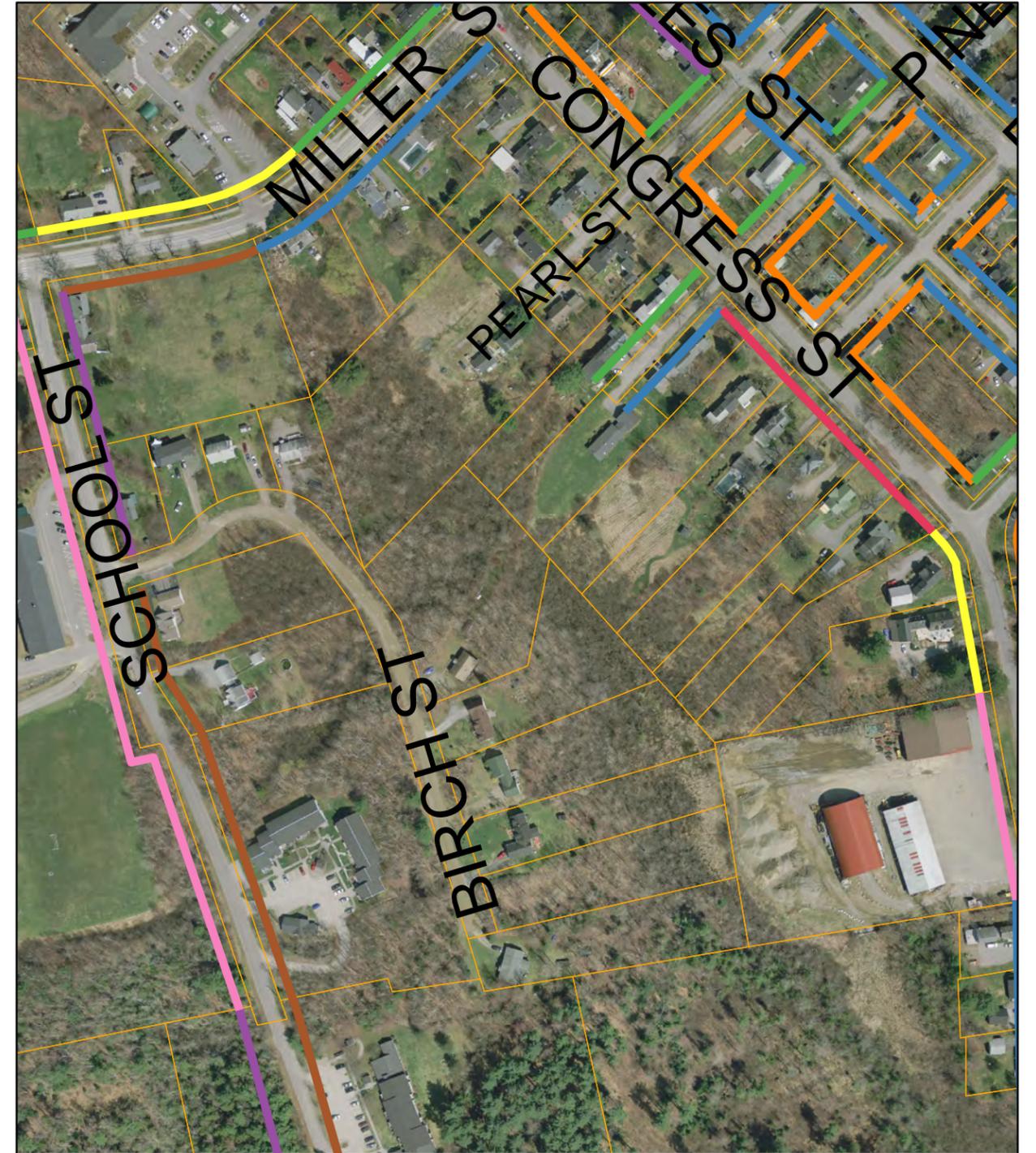
**The minimum front setback requirement for properties located on the streets or portions of said streets identified below that are in the Residential 1 zoning district are established pursuant to the attached maps. The City will use these maps to revise the traditional neighborhood setback map for the 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*



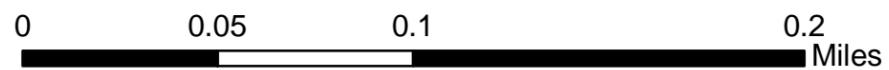
*Previous SSD*



### Legend

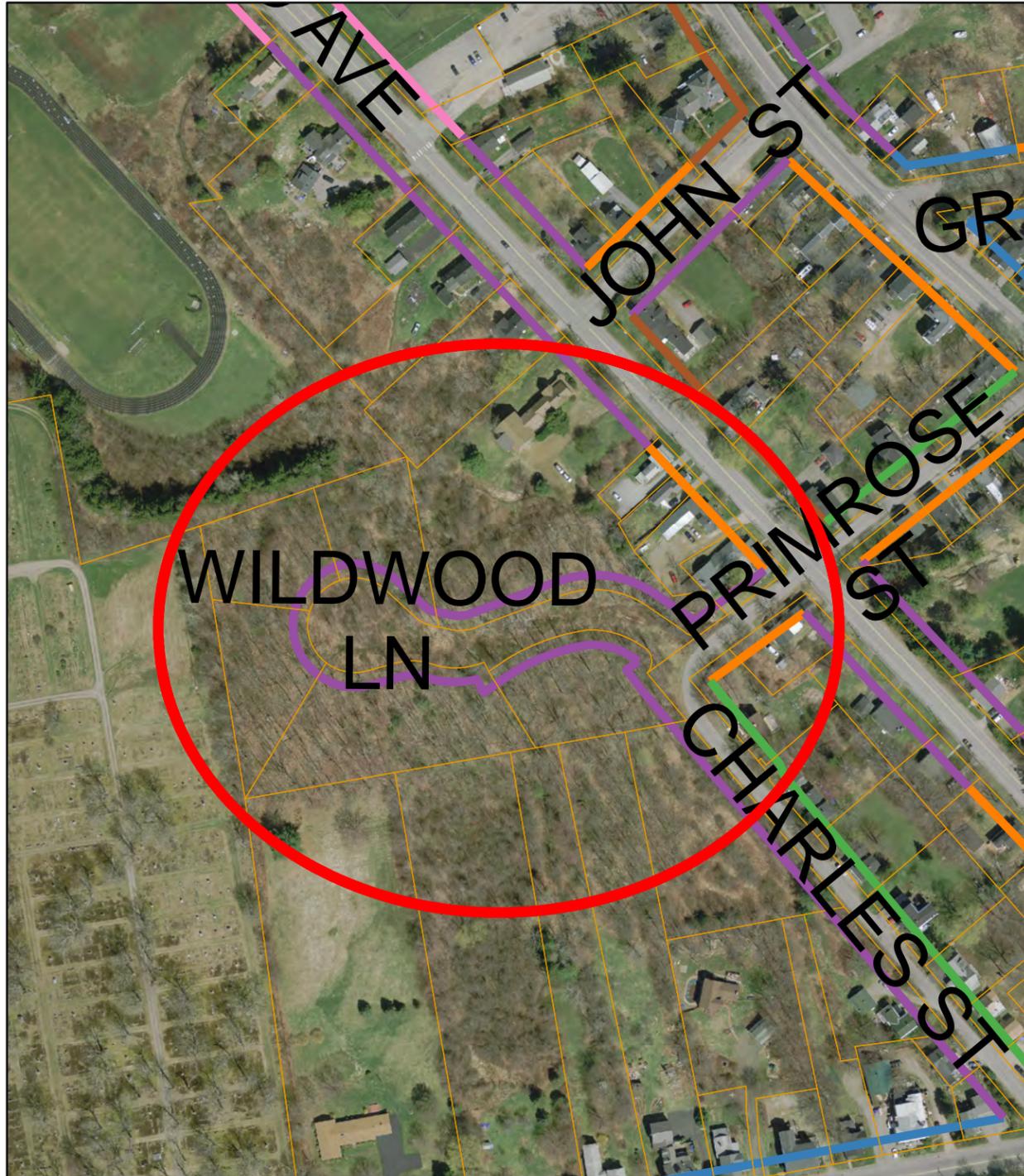
- Parcels
- 5 feet
- 10 feet
- 15 feet
- 20 feet
- 25 feet
- 30 feet
- 40 feet
- 60 feet

Amount of required structure setback from front lot line.

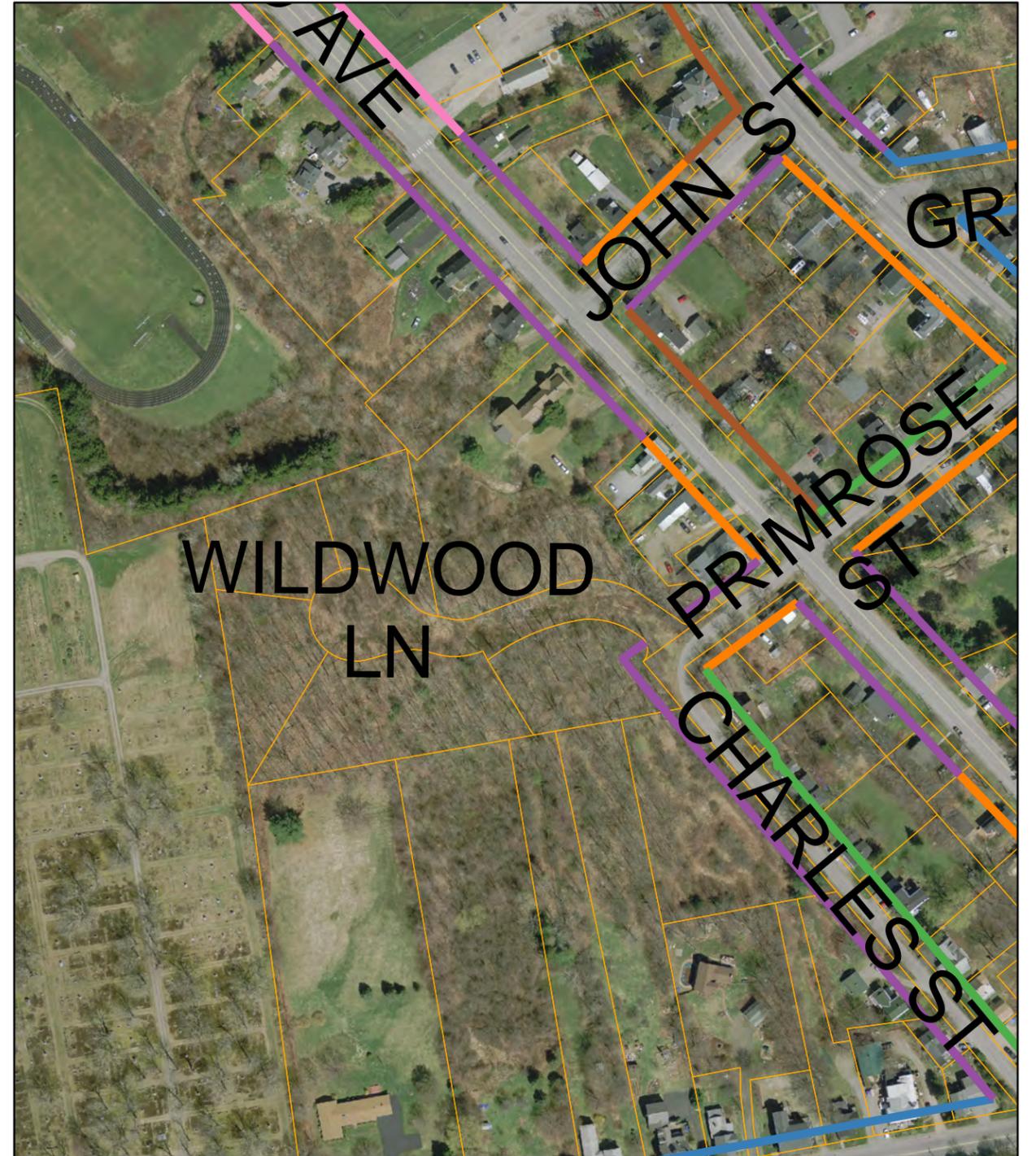


# SSD Charles St. MAY, 2016

*Updated SSD*



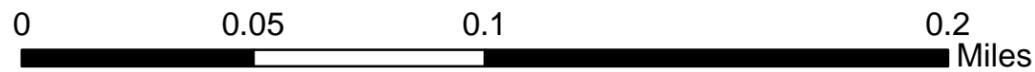
*Previous SSD*



### 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*



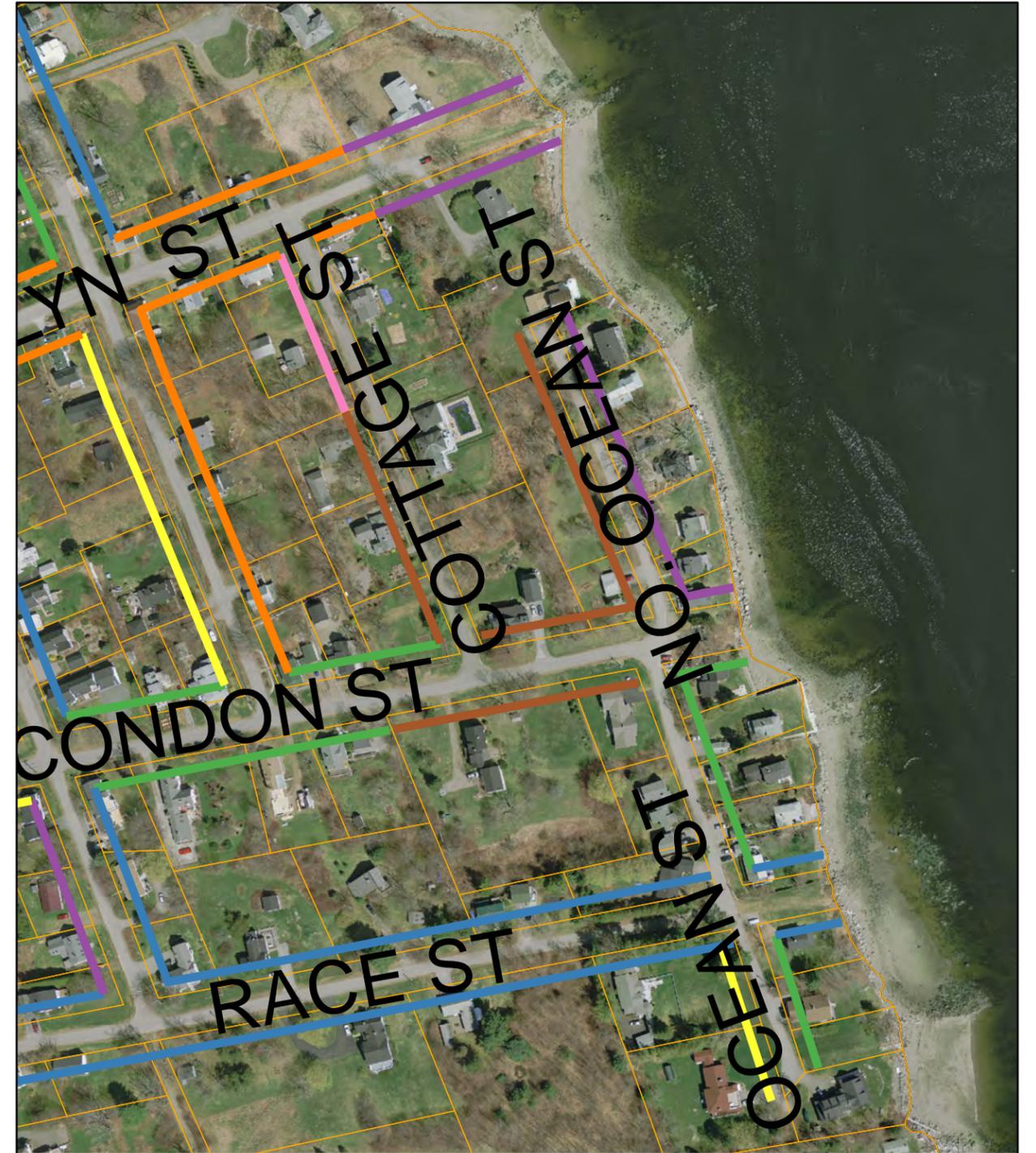
## Legend

-  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  
SECOND READING & PUBLIC HEARING TUESDAY, JUNE 21, 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. 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.
- 3) The Council conducted the First Reading of the proposed amendments at its meeting of June 7, 2016, and is scheduled 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 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.~~

Notwithstanding this provision, in situations in which a residential or nonresidential use and associated structures existed on a property on or before June 21, 2016, and which property does not fully comply with requirements of the front yard parking restriction identified in this clause, an existing property shall not be required to bring any existing nonconforming parking area into compliance with this provision. However, if an application is submitted to construct a new residential dwelling unit on such a property,

or to increase the gross floor area for a nonresidential use on such a property, the amount of parking associated with the new dwelling unit or increased gross floor area shall comply with requirements identified in this section (clause A), subject to Planning Board consideration of a waiver request that an applicant may submit pursuant to clause B of this section.

**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.N

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: June 16, 2016

RE: UPDATE - FRONT STREET RECONSTRUCTION PROJECT, SHIPYARD  
CONSTRUCTION OF BUILDING 6 and CMP REMEDIATION PROJECT on  
WASHINGTON STREET

## REQUESTED ACTIONS

I am seeking Council action on two requests at your June 21 meeting, both of which involve the Front Street Reconstruction Project.

**Request #1:** Council action on my request to remove two existing street trees, one adjacent to Front Street near the County Copy building, and a second adjacent to Front Street near the boat trailer area at City Landing, and my request to remove 3 trees in the area near the skate park on Washington Street; reference attached map and photos. In addition, the Council should consider the request of the adjacent property owner to remove two additional street trees adjacent to Front Street near the County Copy building; reference attached photo.

**Background on Request #1:** The tree City staff requests to remove near the County Copy building and the one near City Landing are both associated with construction of the new pedestrian islands/landings for the new cross-walks across Front Street and the associated sidewalks. There is a second tree near the County Copy building that could be compromised by the construction of the pedestrian island in this area, but we have chosen to cut back on the size of the island to greatly decrease the amount of impact on the tree and we believe the tree can remain.

Also, there are two trees adjacent to Front Street near the County Copy building. Mike Lewis, owner of the building, on behalf of the owner of the Laan-Xang Cafe, has verbally asked that the Council consider removing the two street trees near the County Copy building, one of which is the tree that staff is trying to retain by reducing the size of the pedestrian island. It is my understanding that the owner of the Cafe would like the trees to be removed because they interfere to some degree with views of the waterfront from the deck at the restaurant. The Council should decide how you want to proceed.

Lastly, the replacement sewer line and storm drain line that the City is constructing between Front Street and Washington Street results in the need to cut 3 trees in the green space located between the Skate Park and Meg Peterson's Chiropractic Center. I note that the Council has also discussed this area as a location for either additional public parking (extension of the

Washington Street parking lot) or for the relocation of the skate park, and that under either of the above proposals, these trees also would need to be removed.

**Request #2:** Council approval of two Council orders regarding the dedication of certain City funds for the Front Street Reconstruction project; \$125,000 from the Sewer Capital Project Reserve fund, and \$150,000 from the upcoming anticipated FY 2017 appropriation to the paving account.

**Background Information:** The Council, at your meeting of February 16, 2016, approved the City's overall approach to providing funds for the City share of the Front Street Reconstruction project. Most project costs will be paid through part of the proceeds of the \$2,150,000 borrowed from the Maine Municipal Bond Bank. The Council also adopted a specific motion to help 'bridge the gap' in the funds needed for project construction by specifically approving a motion to allocate \$225,000 from the current funds in the Downtown Waterfront TIF account. In my February 16 meeting memorandum to the Council, I also identified the use of \$125,000 from the Sewer Capital Project Reserve fund and \$150,000 from the paving appropriation anticipated for FY 2017 to help 'bridge the gap', and to keep the total amount that needed to be borrowed at \$2,150,000. While the Council acknowledged and supported the overall funding approach and the use of the two fund sources noted above, there was no specific motion to approve the use of the two additional sources of funds. We are now returning to the Council and asking that you approve individual Council orders for the dedication of \$125,000 and \$150,000 in funds.

## **OVERALL UPDATE**

### **FRONT STREET RECONSTRUCTION PROJECT, CMP WASHINGTON STREET REMEDiation PROJECT & FRONT STREET SHIPYARD CONSTRUCTION of BUILDING 6**

#### **Front Street Reconstruction Project.**

Maine Earth continues to concentrate on the area between the Treatment Plant and Main Street, with a goal of completing most work in this area by July 22. Sewer, water and storm drain work is largely done, and the electric power has been transferred to the new poles. They are now starting work for the sidewalk construction, the grade of the road, and through Park on Main. I note that the work involves some grade changes of 2 - 3 feet which affects the surrounding properties and amenities (such as the tree request). If weather continues to be favorable, the intent is to have the new concrete sidewalks and initial paving for this area done by July 22.

Also working with Maine Earth, Olver Associates and CMP on the replacement sewer and storm drain lines between Front Street and Washington Street. Lots of discussion over the past 2 weeks as to how to approach this work. I will provide a verbal update at the Council meeting.

## **CMP Remediation Project**

Initial pre-construction meeting held on June 10 with the following parties:

- CMP, including Abscope, their contractor, and Haley & Aldrich, their inspector
- DEP, Tracy Kelly, Brownfields program
- Palmer Trust, Diane Bergey and Eunice Palmer and their brownfields advisor, Aaron Martin, Ransom Consulting
- Keith Pooler, Belfast Water District
- Front Street Project Contractor, Shane Sergeant, Maine Earth
- City Representatives, including Bob Richards, Public Works, Jon Carman, Treatment Plant, Thomas Kittredge, Economic Development, Mandy Olver, Olver Associates and Sadie Lloyd and Wayne Marshall from Code and Planning.

Good initial meeting at which all elements of project were discussed. I have attached both the agenda for the meeting and the minutes prepared by CMP, and can answer any questions at the Council meeting. I believe CMP, their contractor and their inspector have a good understanding of City concerns and requirements of the agreement that the Council approved to allow their use of Washington Street.

The main upcoming issue that we are feverously working to address is the City's construction of the replacement sewer and storm drain line between Front Street and Washington Street that we are trying to complete before CMP begins their remediation work in mid-August. As noted above, I will provide an update on this work at the Council meeting, as some details likely will not be ironed out until the day of the Council meeting. In general, City hopes to begin our work around June 27 and to complete such by mid-July.

### **Front Street Shipyard - Building 6**

It appears that the Shipyard is still on track to close on their construction loans for Building 6 this month and to complete the purchase of the City parking lot property, with the goal of beginning construction in mid-July. City should know more in the next 10 days. I will be returning to the Council at a future meeting to discuss several potential concerns regarding project construction.

I would be happy to answer any questions.

# FRONT ST RECONSTRUCTION PROJECT - PROPOSED TREE REMOVAL



100 50 0 100 200 300 400 Feet



Tree Not Affected by Project Improvements. Also, Request from Adjacent Property Owner to Remove

Propose Keeping Tree by Decreasing Size of Pedestrian Island for Crosswalk Across Front St. Also, Request from Adjacent Property Owner to Remove

Tree Proposed by City Staff to Remove to Accommodate New Sidewalk & Access to Stairs to County Copy



Tree Proposed to Remain. Adjacent Property Wants it Removed

Tree Proposed to Remain by Decreasing Size of Pedestrian Island. Adjacent Property Wants it Removed

City Proposes Removal



Tree Needs to be Removed to Accommodate Landing for Pedestrian Walkway that Crosses Front St Near Consumer Fuel





Trees Proposed to  
Remove for New  
Sewer & Storm  
Drain Line & Future  
Parking or Skate  
Park



NO  
PARKING  
BETWEEN  
SIGNS  
→

Trees by Skate  
Park to Remove for  
Sewer Line &  
Storm Drain &  
Future Parking and/  
or Skate Park

## **AGENDA FOR BELFAST MGP--ABSCOPE/CITY REPS/CMP/H&A MEETING**

**(Day: June 10, Time: 10:30 AM, Place: City Hall)**

- Introductions
- Project scope
- Schedule
- City of Belfast Stipulations per March 28 Letter
- Truck route
- Front Street Project
- Utility Work by the city near Skatepark
- Abscope's Execution Plan
  - Mobilization, preparatory activities
  - Subcontractors
  - Security
  - Utility work
  - Decontamination controls
  - Odor controls
  - Workdays/hours
- Waste characterization of MGP residuals for various disposal facilities
- Developer/Neighborhood concerns
- Other municipal matters
- Roundtable

<b>Belfast MGP (1st) Meeting</b>									
CMP Service Center (8:15) 6/10/2016									
<b>Attendees:</b>									
Paul F, Mark D, Nhu, Sarah, Steve, (Rob, Rob) AB, (Jeff, Steve, Scott) HA, Jerry B, Adam M									
<b>Requestor</b>	<b>Action Owner</b>	<b>Topic</b>	<b>Action</b>						
Steve (CMP) Belfast SC Foreman	Fairpoint	Utility pole	Fairpoint has yet to remove cable from utility pole which is scheduled for removal						
Belfast	AB	Dump truck traffic	<ul style="list-style-type: none"> <li>AB Prefers 10 wheelers to trailer due to maneuverability.</li> <li>They estimate 400 to 500 tons of daily material disposal capacity.</li> </ul> <table border="1" style="margin-left: 20px;"> <tr> <th colspan="2">Estimated daily dump truck traffic</th> </tr> <tr> <td>Trailer dumps</td> <td>10 wheelers</td> </tr> <tr> <td>10 trucks/day</td> <td>15 trucks/day</td> </tr> </table>	Estimated daily dump truck traffic		Trailer dumps	10 wheelers	10 trucks/day	15 trucks/day
Estimated daily dump truck traffic									
Trailer dumps	10 wheelers								
10 trucks/day	15 trucks/day								
Paul Fecteau	AB, HA	Abutters to construction site and general public	<ul style="list-style-type: none"> <li>Paul requested that AB establishes a relationship with Scully's and the chiropractor, who are abutters to the contaminated site.</li> <li>Paul will request a statement from the engineering or construction company for the use of public information pertaining to construction activities.</li> </ul>						
	DEP; Tracy Kelly	Contamination foot print	<ul style="list-style-type: none"> <li>Will make decision for continued clean-up contamination efforts past the original RAP site. This will easily be determined during AB's trench box excavation phase.</li> </ul>						
Belfast	HA	Daily air monitoring	<ul style="list-style-type: none"> <li>HA will provide Wayne Marshall with daily air monitoring reports. HA distributes reports to client (CMP) and CMP will report data to AB.</li> </ul>						

<b>Belfast MGP(2nd) Meeting</b>			
Belfast Town Hall (10:30) 6/10/2016			
<b>Attendees:</b>			
Paul F, Mark D, Nhu, Sarah, Steve, (Rob, Rob) AB, (Jeff, Steve, Scott) HA, Jerry B, Adam M (Aaron) Ranson Eng, Unis and Diane Palmer, Wayne Marshall, Belfast Public works employees.			
<b>Requestor</b>	<b>Action Owner</b>	<b>Topic</b>	<b>Action</b>
Wayne	AB	Truck traffic conduct	There were no complaints from the police about Earthworks contractors driving. We expect the same from you .Also, no noise before 6am.
Belfast Public Works	AB	Truck company origin	BPW was concerned about home base of trucking company being local. AB said it will be most likely McGee Construction. McGee will most likely do sewer work also.
Wayne	AB	Skate park	The skate park is off limits.

**Belfast MGP(2nd) Meeting**  
Belfast Town Hall (10:30) 6/10/2016

**Attendees:**

Paul F, Mark D, Nhu, Sarah, Steve, (Rob, Rob) AB, (Jeff, Steve, Scott) HA, Jerry B, Adam M  
(Aaron) Ranson Eng, Unis and Diane Palmer, Wayne Marshall, Belfast Public works employees.

Requestor	Action Owner	Topic	Action					
Belfast	AB	Execution of construction: odors, dust: work sch., VOC's, foam MSDS.	<p>AB described the following construction conditions and protocol to Belfast town hall:</p> <ul style="list-style-type: none"> <li>• Loaded trucks are tarp covered and unloaded trucks are not. Trucks will not be decontaminated after dumping</li> <li>• Plastic could be laid down for trucks to drive over to limit tire contamination; also clean stone pad road way will be utilized. This stone pad will be used as backfill.</li> <li>• Monitoring utilized than controlled w/water for dust.</li> <li>• AB needs to use the currently restored sight to facilitate two 20,000 gallon frack tanks; the sight needs to be modified to place the tanks. At the close of the MGP project the sight will be restored to its original condition.</li> <li>• Gross loading truck spillage will be pressure washed, water goes into sump, sump is pumped into frack tank, and frack tank is emptied by tanker truck and treated off site.</li> <li>• Approximately 100,000 gallons of waste water will be generated and temporarily be stored on site in frack tanks. Tanker trucks will periodically remove water in 5,000 to 6,000 gallon loads</li> <li>• AB will have clean water on site for pressure washer on site. The fire hydrant will have been demolished.</li> <li>• Odor control foam will be applied to open stock piles and faces. Foam looks like snow. Also poly will be used to cover piles and pits.</li> <li>• We do not know if it (foam) affect critters but we will find out. It is AC 645 foam.</li> <li>• Approximately 3% Bio-sol will also be used for clean-up with pressure washer.</li> <li>• We will have Bio-sol, foam, odor control on site</li> <li>• MGP inherently have odors similar to paving hot top.</li> <li>• Currently VOC at level B, it may go to level C.</li> <li>• This will be a slow and tedious excavation. This means inherent low dust conditions. Hence, easy dust controls.</li> <li>• We will be preemptive on odor control. That is, control odor before it is a problem.</li> <li>• We will split weekend off shifts to have staff available for odor issues. They may need security guard or on call person if no one is around during off weekends.</li> <li>• This will be a fenced in and locked work site.</li> <li>• First 2 days of construction will be slow. Odors won't start until Oct 3 which is the start of excavation.</li> </ul> <table border="1" data-bbox="716 1837 1523 1913"> <tr> <td colspan="2">Estimated time duration of excavation and then backfill</td> </tr> <tr> <td>Excavation: 15 days</td> <td>Backfill: 10 days</td> </tr> </table> <ul style="list-style-type: none"> <li>• AB's schedule will be dictated by land fill hours of operation</li> </ul> <table border="1" data-bbox="716 1984 1523 2018"> <tr> <td>AB's proposed work schedule. Range (6am-7:30pm) 50hrs/wk.</td> </tr> </table>	Estimated time duration of excavation and then backfill		Excavation: 15 days	Backfill: 10 days	AB's proposed work schedule. Range (6am-7:30pm) 50hrs/wk.
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**Belfast MGP(2nd) Meeting**  
Belfast Town Hall (10:30) 6/10/2016

**Attendees:**

Paul F, Mark D, Nhu, Sarah, Steve, (Rob, Rob) AB, (Jeff, Steve, Scott) HA, Jerry B, Adam M  
(Aaron) Ranson Eng, Unis and Diane Palmer, Wayne Marshall, Belfast Public works employees.

Requestor	Action Owner	Topic	Action				
			M	T	W	Th	F
			10 hrs.	11 hrs.	11 hrs.	11 hrs.	5 hrs. Finishing at noon.
AB	Wayne	Test pits	AB requested to dig test pits before Sept 13, for waste characterizations. Wayne said yes. However, Wayne requested a weeks' notice and preferably in July.				
Belfast Public works	AB	Sewer	AB described the following sewer execution plan to Belfast: <ul style="list-style-type: none"> <li>• Sewer will be bypassed</li> <li>• HA said the current sewer appeared dormant</li> <li>• Pipe will be plugged and digging work will be performed for both sanitary and storm water sewer. The pump used for bypass will be a Zylan brand which is very quiet, like an air conditioner.</li> </ul>				
Belfast Public works	HA	Road gravel depth	HA will share submittal with BPW concerning the gravel depth for restoring Washington Ave.				
Diane	AB	Currently restored lot	AB and Diane had the following correspondence: <ul style="list-style-type: none"> <li>• AB is permitted to rent apartment as office from her.</li> <li>• AB is permitted to use lower section of driveway/parking lot as roadway via for truck loading site.</li> </ul>				
Diane	AB, HA, DEP, Belfast	Final grade of MGP site.	The proposed final grade on HA detailed drawing has the final grade set higher then needed. This material will later need to be removed during Diane's development project. Since the DEP's only concern is clean back fill and Belfast planning is only concerned with dust control and utility interruptions, HA and AB said they will work with Diane's developer in order set a grade that will best benefit all.				