



CITY OF BELFAST

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Belfast, Maine 04915

Erin Herbig
City Manager

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MANAGER'S REPORT

Belfast City Council Meeting
Tuesday, December 3, 2024

7:00 p.m. Regular Council Meeting

TO: Mayor Eric Sanders and Honorable Members of Belfast City Council

FROM: Erin Herbig, City Manager

DATE: Tuesday, November 26, 2024

Agenda Items:

10-A Request to appoint Timothy Nisbet of Waldo as a Truck Driver/Laborer for the Public Works Department.

The City of Belfast advertised the position of Truck Driver/Laborer beginning on April 9, 2024, and applications were accepted until the position was filled. The City received nine applications.

On November 19th and 20th, the Truck Driver/Laborer Hiring Committee held first-round interviews with five well qualified candidates. The Truck Driver/Laborer Hiring Committee was composed of Public Works Director Kip Faulkner, HR Administrator Nancy Driscoll and me.

The hiring committee unanimously selected the final candidate and recommends the City Council appoint Timothy Nisbet of Waldo as a Truck Driver/Laborer for the City of Belfast.

Mr. Nisbet worked as a mechanic and bus driver for RSU 71 and more recently as a yard switcher for Bison Transport in Hermon. He looks forward to working back in the community he calls home and brings with him years of experience in heavy equipment and vehicle operation.

This position is a vital aspect of the City's public safety team and is responsible for operating large pieces of equipment, including the performance of manual labor tasks, to complete seasonal work projects. I am confident Mr. Nisbet, if confirmed, will serve our community and the department well.

Please see the attached job application, advertisement, and job description (10-A) providing further detail. Mr. Nisbet, Public Works Director Kip Faulkner and I will be available at the Council Meeting to answer any questions.

10-B Request to appoint Russell Moore of Swanville as a Truck Driver/Laborer for the Public Works Department.

The City of Belfast advertised the position of Truck Driver/Laborer beginning on April 9, 2024, and applications were accepted until the position was filled. The City received nine applications.

On November 19th and 20th, the Truck Driver/Laborer Hiring Committee held first-round interviews with five well qualified candidates. The Truck Driver/Laborer Hiring Committee was composed of Public Works Director Kip Faulkner, HR Administrator Nancy Driscoll and me.

The hiring committee unanimously selected the final candidate and recommends the City Council appoint Russell Moore of Swanville as a Truck Driver/Laborer for the City of Belfast.

Mr. Moore worked as rental maintenance delivery driver for Pro Rental and more recently a sales representative for Quirk Auto in Belfast. He looks forward to putting his commercial driver's license (CDL) back to use and joining the municipal team.

This position is a vital aspect of the City public safety team and is responsible for operating large pieces of equipment, including the performance of manual labor tasks, to complete seasonal work projects. I am confident Mr. Moore, if confirmed, will serve our community and the department well.

Please see the attached job application, advertisement, and job description (10-B) providing further detail. Mr. Moore, Public Works Director Kip Faulkner and I will be available at the Council Meeting to answer any questions.

10-C Presentation by Consolidated Communications Regarding Expansion of Broadband Internet in Belfast.

Members of the City's Broadband Committee met with Consolidated Communications representatives on Thursday, November 14th, 2024, and received an presentation regarding the overview of their fiber optic project in Belfast. Fidium Fiber Internet is the fiber internet service arm of Consolidated Communications.

In their presentation to the committee, Fidium showed that their current plan is to extend service to 4,700 premises in Belfast, which is the nearly every public street in Belfast. Some exceptions are condominium or homeowner association-controlled developments, which Consolidated Communications intends to extend service if/when they can get agreement from those living in these particular developments. They expect to complete this expansion of service sometime during February of 2025.

Per the request of the Broadband Committee, Consolidated Communications will make a presentation to the public to make them aware of this important effort. Please see attached presentation (10-C). Consolidated Communications Vice President of Market Development Sarah Davis will be in attendance to present and answer questions.

10-D Request from the Belfast Garden Club to enter into a Memorandum of Understanding with the City of Belfast to place a storage shed on City property.

Members of the Belfast Garden Club seek to secure a location to install a pre-built shed for storage. It was determined the best location would be at the end of Airport Road. The shed would provide a central location for Belfast Garden Club members to store materials used for the annual events in the City as well as items related to their work at the thirteen public gardens they plant and tend to in the City of Belfast.

Following discussions with City staff, it is recommended the Public Works Department prepare the site for a shed to be installed. The Parks and Recreation Department would act as the liaison with the City on issues related to the shed. The Belfast Municipal Airport would allow access to this storage area.

The Garden Club would pay for the full cost of the shed, including delivery and installation. The anticipated timeline for installation is April 2025.

If approved by the City Council, City staff recommend a motion be made to authorize the City Manager to sign a Memorandum of Understanding (MOU) between the City of Belfast and the Belfast Garden Club for the placement of a storage shed on City property.

Please see the attached memo (10-D) which includes a draft MOU, map, photo, and cost estimates from the members of the Belfast Garden Club. The City Attorney has reviewed the draft MOU and has no concerns.

Belfast Garden Club Member, Lexa Clifford, will be at the meeting to present the proposal and answer any questions.

10-E Request from the Parks and Recreation Director to close Front Street from 9:30 AM to 2:00 PM on Saturday, December 14th, 2024, for Holiday on the Harbor.

Holiday on the Harbor is an annual celebration that occurs each year in the City of Belfast. This event is co-sponsored by the Belfast Chamber of Commerce and the City of Belfast. This year on December 14, 2024, from 11:00 AM to 1:00 PM.

This event typically includes horse-drawn carriage rides in Steamboat Landing Park. However, due to warm fall weather patterns, the ground is currently too soft to accommodate the carriage. In turn, City staff request a short-term street closure of Front Street on the day of the event to conduct carriage rides.

If approved, the carriage rides would depart the front of the Belfast Boathouse and travel out and back along Front Street, turning around near the former Chamber of Commerce offices. Police Chief Bobby Cormier and Harbor Master Kathy Given have both reviewed the route and support this request.

If approved by the City Council, City staff recommend a motion is made to authorize the closure of Front Street from 9:30 AM to 2:00 PM on December 14, 2024, at the intersection of Front Street and Main Street to the intersection of Front Street and Commercial Streets.

Please see attached memo (10-E) from Parks and Recreation Director Pam Salokangas explain the request in further detail. Director Salokangas will be at the meeting to present and answer any questions.

10-F Presentation on a Contract Rezoning Agreement Amendment #1 at 2 Pinchy Lane Three Tides Restaurant.

The owners of Three Tides Restaurant have proposed to reconstruct the building located at 2 Pinchy Lane, Map 11 – Lot 141-B. The proposal involves review pursuant to the Contract Rezoning process in Chapter 102 Zoning for the Waterfront Mixed Use zoning districts.

In this process, the Planning Board and Intown Design Review Committee have served as advisory boards to the City Council, who will make the final decision regarding the approval of the proposed project. The Intown Design Review Committee completed their review on October 3rd and Planning Board completed their review on November 13th. Rezoning Agreement Amendment #1 is now being presented for Council consideration.

The majority of the language within the 2020 Contract Rezoning Agreement has been maintained, but for three minor amendments:

- 1) To allow the reduced setback requirements on the western and front property lines, and
- 2) To locate a portion of the new stairs and front porch (on the southern side of the building) within the bounds of the City Harbor Walk right-of-way, and
- 3) To reaffirm the Council previous approval in 2020 to designate two public parking spaces located directly adjacent to the Front Street Pub in Belfast Yards to be handicap spaces.

No City Council action is needed for this agenda item as this is strictly a presentation regarding the proposed Contract Rezoning Agreement Amendment #1.

Please see the attached memo and proposed amendments (10-F and G) from Director of Code and Planning Bub Fournier and City Planner Alexandra Sykes explaining the request in further detail. Director Fournier and Planner Sykes will be at the meeting to present.

**10-G First Reading on a Contract Rezoning Agreement Amendment #1 at 2 Pinchy Lane
Three Tides Restaurant.**

This is a First Reading. At this time, the City Council may discuss, amend, table, or approve the First Reading of the proposed Contract Rezoning Agreement Amendment #1.

If approved by the City Council, Director of Code and Planning Bub Fournier recommends that a motion is made to approve the First Reading of the proposed Contract Rezoning Agreement Amendment #1 and to schedule the Second Reading and Public Hearing for the next Regular City Council Meeting on Tuesday, January 7, 2025.

Please see the attached memo and proposed amendments (10-F and G) from Director of Code and Planning Bub Fournier and City Planner Alexandra Sykes explaining the request in further detail. Director Fournier, Planner Sykes and applicant Daniel Waldron will be at the meeting to answer Council questions.

10-H Request to Authorize a Community Facilities Grant Agreement and Adopt a Resolution to Accept a Community Facilities Grant.

In December 2022, the City of Belfast was notified that it had been awarded \$1,500,000 in Congressionally Directed Spending (CDS) funding, also referred to as a Community Facilities Grant. This funding would be used for the construction of a proposed City of Belfast Public Safety Building, a single unified facility that would house the City's Ambulance, Fire, and Police Departments.

In May of 2024, the City authorized the signing of various documents necessary and related to this \$1,500,000 CDS/Community Facilities Grant to obligate the grant and qualify for a waiver from the Build America Buy America Act.

The United States Department of Agriculture, Rural Development (USDA RD), the federal agency that has management and oversight of this CDS award, has requested the City authorize a series of post-obligation documents in the form of a resolution to accept the grant and adoption of a community facilities grant agreement.

If approved by the City Council, Economic Development Director Thomas Kittredge recommends that a motion is made to approve the resolution to accept a \$1,500,000 Community

Facilities Grant; and to authorize the City Manager to sign a Community Facilities Grant Agreement on behalf of the City of Belfast.

Please see the attached memo (10-H) from Economic Development Director Thomas Kittredge providing further detail. Director Kittredge will be at the meeting to answer Council questions.

10-I Request from the Public Works Director to remove one City Street Tree.

This request is for the removal of one tree located at 79 Congress Street. Public Works Director Kip Faulkner recommends the removal of the tree. The tree has rot and is splitting in the middle.

The tree has been referenced to the 2021 City of Belfast Street Tree Inventory, which provides conditions of City Street trees based on an informal scale of 1-5; with 1 generally indicating the lowest level of health and a 5 representing a tree with no outward appearance of decline, although there are some discrepancies within the tree inventory.

Per the City Tree Ordinance this tree has been tagged, notifying the public of the requested removal and contact information for the City Manager's Office to report any questions or concerns regarding the request. As required, they must be posted at least two weeks before being brought before the City Council for discussion and consideration. As of Tuesday, November 26th, the City Manager's Office has not received any comments. I will update at the meeting with any comments that come in before the meeting on Tuesday.

Please see the attached photo of the tree and excerpt from the 2021 City of Belfast Street Tree Inventory (10-I). I will be at the meeting to answer any questions you may have regarding this tree.

10-J Request from Waldo Community Action Partners for City support of a grant application to Maine Housing.

Waldo Community Action Partners (Waldo CAP) reached out to the City of Belfast looking for support for a grant application to Maine housing. The grant would assist the organization in supporting their outreach, housing stabilization, and case management efforts to homeless individuals and families. This is an annual request.

Currently, the funding they use limits the income of eligible households. Receiving this funding would allow Waldo CAP to serve others in need in our community to ensure greater housing stability over time. Over the last few years, they have had a collaborative and complimentary approach to this need in our community.

The submission was due to Maine Housing on Thursday, November 21st. The City Council was notified of the timeline and provided preliminary approval to staff to ensure that Waldo CAP was able to submit their application by the deadline.

If approved by the City Council, City staff recommend a motion is made to authorize the City Manager to sign on behalf of the City of Belfast in support of Waldo CAP grant submission to Maine Housing retroactive to November 21, 2024.

Please see the attached draft Certification of Local Approval (10-J) from Waldo CAP. I will be at the meeting to present and answer any questions.

10-K Consideration of a draft letter to local representatives to the State Legislature regarding the closure of labor and delivery services at Maine Health Waldo Hospital.

At the November 19th, 2024, Regular City Council Meeting, the City Council discussed best options for communicating to local representatives to the State Legislature regarding the closure of labor and delivery services at Maine Health Waldo Hospital. The Council directed staff to draft a letter to State Representative Dodge and State Senator Curry requesting that they provide more information about the closure and if any Legislative action could be taken to prevent the closure.

Please see the attached draft letter (10-K) for your consideration. I will be at the meeting to answer any questions.

10-L Signing of Council Orders

As the end of the year draws near, the holiday season is upon us. At the end of the day today, City Hall and non-emergency services will close for the Thanksgiving holiday so that City staff can gather with family and friends. I hope all of you are able to do the same.

Those who perform emergency services and whose services are still needed to keep our City running smoothly remain on call. We thank them for their vigilance. You can find specific holiday closures listed on the main page of our website at www.cityofbelfast.org, or follow us on our Facebook page, City of Belfast.

The story of the first Thanksgiving primarily comes to us from a letter written by colonist Edward Winslow, which was later published in a source titled Mourt's Relation. In it, he describes the autumn of 1621 in Plymouth, Massachusetts to someone as a "loving and old friend."

Not unlike Mainers of today, it describes how the colonists went bird hunting as a celebration of the end of a bountiful harvest season, followed by three days of feasting and entertainment in the company of the Indigenous Wampanoag Confederacy, led by Ousamequin, their Massasoit Sachem, or Great Leader.

Edward Winslow closes his writing by conveying gratitude and the spirit of generosity:

“And although it be not always so plentiful, [...] we are so far from want, that we often wish you partakers of our plenty.”

On behalf of the City of Belfast, I wish all Belfast residents, businesses and visitors a Happy Thanksgiving spent with loved ones, and many days of leftovers to share!

**City of Belfast
Consent Agenda
Tuesday, December 3, 2024
Meeting #11**

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 Incorporated Civic Organization License for Bagaduce Music for a New Years Eve Celebration located at the Bayview Point Event Center, 15 Front Street, Belfast, Maine on December 31, 2024, from 6:00 p.m. – 11:00 p.m.**

Motion to approve an Incorporated Civic Organization License for Bagaduce Music for a New Years Eve Celebration located at the Bayview Point Event Center, 15 Front Street, Belfast, Maine on December 31, 2024, from 6:00 p.m. – 11:00 p.m.

- B. Request to approve an off-premises catering permit for The Otis Group Incorporated d/b/a Rollie's Bar & Grill for a private retirement celebration on November 16, 2024 from 3:00 p.m. to 5:00 p.m. located at the Waldo County Shrine Club, 85 Northport Ave., Belfast, Maine.**

Motion to approve an off-premises catering permit for The Otis Group Incorporated d/b/a Rollie's Bar & Grill for a private retirement celebration on November 16, 2024 from 3:00 p.m. to 5:00 p.m. located at the Waldo County Shrine Club, 85 Northport Ave., Belfast, Maine.

- C. Request to approve an application by Belfast Curling Club, Inc. d/b/a Belfast Curling Club located at 211 Belmont Ave., Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.**

Motion to approve an application by Belfast Curling Club, Inc. d/b/a Belfast Curling Club located at 211 Belmont Ave., Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.

- D. Request to approve an application by Crusty Crab LLC d/b/a Front Street Pub located at 37 Front Street, Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.**

Motion to approve an application by Crusty Crab LLC d/b/a Front Street Pub located at 37 Front Street, Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.

- E. Request to approve an application by Dos Gatos Gastropub LLC d/b/a Dos Gatos Gastropub located at 84 Main Street, Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.**

Motion to approve an application by Dos Gatos Gastropub LLC d/b/a Dos Gatos Gastropub located at 84 Main Street, Belfast, Maine for a renewal on-premise Malt, Spirituous and Vinous liquor license.

- F. Request to approve an extension of liquor license permit for Dos Gatos Gastropub, LLC d/b/a Dos Gatos Gastropub to extend the seating capacity of their property located at 84 Main Street into City parking spaces as part of the Curbside outdoor seating area.**

Motion to approve an extension of liquor license permit for Dos Gatos Gastropub, LLC d/b/a Dos Gatos Gastropub to extend the seating capacity of their property located at 84 Main Street into City parking spaces as part of the Curbside outdoor seating area.

City of Belfast Employment Application

In compliance with Federal and State Equal Employment Opportunity laws, qualified applicants are considered for all positions applied for without regard to race, color, religion, sex, national origin, age, marital status or the presence of non-job-related medical condition or handicap. Due to Maine Laws, applications are not confidential.

(Answer all questions—please type or print in ink)

Date of Application: 09/13/2024

Position(s) applied for: truck driver/ laborer

Referral Source: Advertisement Friend Relative
 Job Service Other Indeed

Name: Nisbet Timothy C
Last First Middle

Residence Address: _____
Street City State Zip Code Mailing

Address: _____

Phone Number: _____

Email Address: _____

Are you known to schools/references by some other name? no

If so, what name: _____

Have you filed an application or been employed here before? yes

If yes, date(s): 10/2022

(2)

Give name, address, and phone number of three references not related to you:

Ken Hodgden

Bill Kirby

Dave Flood

Employment Experience:

List each job held. Start with your present or last job. Include military service assignments and volunteer activities.

1. Employer Bison Transport 2. Employer RSU 71

From 11/01/22 to present From 12/2014 to 11/01/2022

Address 15 page rd Hermon Maine Address lions way Belfast

Type of Work yard switcher Type of Work mechinac / bus driver

Reason for Leaving commut Reason for Leaving bus driver

If you need additional space, please continue on a separate sheet of paper and attach.

Summarize special skills and qualifications acquired from employment or other experiences.

class A driver all end. / dump trailer, dump truck, live floor. tanker. flat bed, hauling equipment, snow plowing.sanding
front end loader. fork truck. little backhoe exp. mechinacly inclined.

Education:

Level	Name	Location	Years Completed
Elementary			4 5 6 7 8
High School			9 10 11 12
Undergraduate			1 2 3 4
Graduate			1 2 3 4

(3)

Diploma: Academic Vocational

Degree(s) basic
Describe course of study, specialized training, apprenticeship, skills,
and extra-curricular activities: _____

AGREEMENT:

I certify that the answers provided by me herein are true and complete to the best of my knowledge.

I authorize you to make such investigation and inquiries of my personal employment, and other related materials that may be necessary in arriving at an employment decision. I hereby release employers, schools, and person from all liability in responding to inquiries in connection with my application.

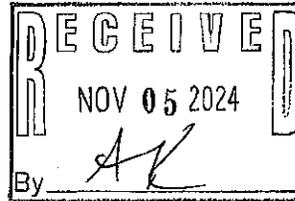
I understand that person(s) soliciting this application may base their selection of applicants to interview or hire on qualifications listed in the Administrative Personnel Code of the City of Belfast, and that I am not entitled to an interview simply by virtue of having applied for the position.

In the event of employment, I understand that false or misleading information provided in application or interview(s) may result in my discharge. I understand also that I am required to abide by all the rules and regulations of the City.

Date: 09/13/2024

Signature of Applicant

Timothy Nisbet



Authorized to work in the US for any employer

Work Experience

Assistant Mechanic / Bus Driver

School unit RSU 71 - Belfast, ME-Belfast, ME
February 2019 to Present

Assistant mechanic back up driver

Truck Driver

Mld- coast-Searsport, ME
July 2018 to February 2019

Truck driver owner operator maintain truck

Assistant Mechanic / Bus Driver

School unit RSU 71-Belfast, ME
January 2013 to July 2018

Dump truck sand and gravel

Truck Driver Class A

Lamberts Auto & Truck Recycling-Rochester, NH
January 2010 to January 2012

03868, Scott Snedeker, 603-608-8423

Owner and Operator

Self Employed-Wakefield, NH
1998 to January 2010

Nisbet Trans., Self Employed. Dump trailer haul sand. gravel. salt. Maintain truck and trailer.

Truck Driver/Warehouse

Blue Jay Trans-Hudson, MA
1982 to 1998

01749, Cindy Tompkins

Education

High school diploma

Marlborough High School - Marlboro, MA
1982

Commercial Driver's License (CDL)

Class A

Expires: June 2027

State: ME

Endorsements: T (Double/triple trailers) - P (Passenger vehicles) - N (Tank vehicles) - H (Hazardous Materials) - X (Tank + Hazardous) - S (School bus)

Skills

- Bus Driving (6 years)
- Flatbed (3 years)
- School Bus Driving
- Commercial Driving (10+ years)
- Tanker Experience (1 year)
- Delivery Driver Experience (10+ years)
- Load & Unload (10+ years)
- Freight Experience (10+ years)
- Mechanical Knowledge (10+ years)
- Tractor-Trailer (10+ years)
- Mechanic Experience (10+ years)
- Shuttle Driving (10+ years)
- Driving (10+ years)
- Tanker (1 year)
- Forklift (10+ years)
- Box Truck (10+ years)
- Pallet Jack (10+ years)
- Maintenance (10+ years)

Languages

- English - Expert

Certifications and Licenses

CDL Class A pstx

June 2017

CDL

Hazmat endorsement

Class A CDL

Present

Tanker Endorsement

Driver's License

Passenger Endorsement

School Bus Endorsement

CDL C



City of Belfast

Employment Opportunity

Truck Driver / Laborer

The City of Belfast is accepting applications for a Truck Driver/Laborer at the Public Works Department. Applicants must be 18 years of age or older, be in good physical condition, and have a flexible schedule. This position requires at least a Maine Class B motor vehicle operator's license.

This is a full-time position with full benefits.

Compensation with CDL is \$24.64 for the first 6 months, then \$25.15 plus \$0.25 if pass a 6-month evaluation. Automatic annual increase per union contract and 4-year step increases.

Hours of operation: 6AM - 4:30PM, Monday through Thursday 40hrs/wk with overtime + stipend (May-November) for holiday and weekend on-call duties.

For more information about the job please contact Bob Richards at the Public Works Dept. at 338-2375 or at 25 Barn Way the Public Works Garage. Applications may be picked up at the Public Works Garage, 25 Barn Way off the Crocker Road, Belfast, Me. 04915 or at <https://www.cityofbelfast.org/Jobs.aspx>

Application is open until the vacancy is filled.

The City of Belfast is an Equal Opportunity Employer.



**CITY OF BELFAST
PUBLIC WORKS
TRUCK DRIVER/LABORER**

Nature of Work:

This is manual labor in the operation of trucks and motorized equipment used for road construction and repair, and in the snow and ice removal operations of the Public Works Department.

Employee of this class is able to handle and operate all truck attachments and carry out assignments with relative ease. Employee may operate larger pieces of equipment, but only on a temporary or emergency basis. Employees participate in loading and unloading work. Duties include the performance of manual labor tasks in connection with the operation of trucks or during completion of seasonal work projects. Work instructions may be received in detail for each job to be performed or may follow an established routine. Work is subject to check while in progress and upon completion by the Public Works Foreman.

Essential Duties and Responsibilities:

Operates trucks and sanders in the plowing, sanding and snow removal of City streets.

Operates light to moderately heavy trucks in performance of Public Works Department duties.

May operate other light equipment as needed and may operate heavier equipment such as front-end loaders on an incidental or emergency basis.

Assists the Harbor with installation and removal of floats, docks and other structures at the City waterfront.

Operates a light or moderately heavy truck transporting dirt, gravel, wood and construction materials; assists in loading or unloading trucks.

Performs varied maintenance work including rebuilding storm drains and culverts, patching and building roads and other general duties.

Picks up debris such as blow downs, straightens signs and posts; picks up leaves and brush.

Assists in general repair and preventive maintenance on vehicles and equipment and assists in general maintenance of the Public Works Garage.

Performs related work as may be required.

Requirements of Work:

Thorough knowledge of the standard practices, methods, equipment and tools of the automotive and construction equipment trade.

Working knowledge of the occupational hazards and safety precautions of the trade.

Considerable knowledge of the operating and repair characteristics of a variety of equipment utilized by the Public Safety employees and the Public Works Department.

Training and Experience Required:

Experience as a Truck Driver or Equipment Operator, particularly on light trucks; or any equivalent combination of experience and training.

Necessary Special Requirements:

Class B Maine Driver's License and permit for Class A Operator's License. Must obtain a Class A Operator's License within the promotional period as specified in the union contract.

Must have and maintain a good driving record.

10.B

City of Belfast Employment Application

In compliance with Federal and State Equal Employment Opportunity laws, qualified applicants are considered for all positions applied for without regard to race, color, religion, sex, national origin, age, marital status or the presence of non-job-related medical condition or handicap. Due to Maine Laws, applications are not confidential.

(Answer all questions—please type or print in ink)

Date of Application: 10-7-24

Position(s) applied for: Truck Driver

Referral Source: Advertisement Friend Relative
 Job Service Other

Name: Moose Russell James
Last First Middle

Residence Address: _____
Street City State Zip Code Mailing

Address: _____

Phone Number: _____

Email Address: _____

Are you known to schools/references by some other name? NO

If so, what name: _____

Have you filed an application or been employed here before? NO

If yes, date(s): _____

(2)

Give name, address, and phone number of three references not related to you:

Rodney Young Waldo
Gordon Gill Rockport
Gregory Guest Camden

Employment Experience:

List each job held. Start with your present or last job. Include military service assignments and volunteer activities.

1. Employer Quirk Atoo 2. Employer Pro Rental
From 11/22 to Now From 6/16 to 8/20
Address 10 Belmont Ave Address 420 West St
Belfast, ME
Type of Work Parts Counter Type of Work Rental Maintenance
Person Delivery Driver
Reason for Leaving _____ Reason for Leaving Covid-19
closed Business

If you need additional space, please continue on a separate sheet of paper and attach.

Summarize special skills and qualifications acquired from employment or other experiences.

Class B CDL with tank Endorsement, Forklift,
Personel lift Certified as well as Personal Fall
Equipment.

Education:

Level	Name	Location	Years Completed
Elementary			4 5 6 7 (8)
High School			9 10 11 (12)
Undergraduate			1 2 3 4
Graduate			1 2 3 4

(3)

Diploma: H.S. Academic Vocational

Degree(s) _____
Describe course of study, specialized training, apprenticeship, skills,
and extra-curricular activities: _____

AGREEMENT:

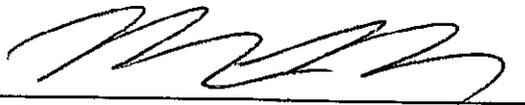
I certify that the answers provided by me herein are true and complete to the best of my knowledge.

I authorize you to make such investigation and inquiries of my personal employment, and other related materials that may be necessary in arriving at an employment decision. I hereby release employers, schools, and person from all liability in responding to inquiries in connection with my application.

I understand that person(s) soliciting this application may base their selection of applicants to interview or hire on qualifications listed in the Administrative Personnel Code of the City of Belfast, and that I am not entitled to an interview simply by virtue of having applied for the position.

In the event of employment, I understand that false or misleading information provided in application or interview(s) may result in my discharge. I understand also that I am required to abide by all the rules and regulations of the City.

Date: 10-7-24



Signature of Applicant



City of Belfast

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This is a full-time position with full benefits.

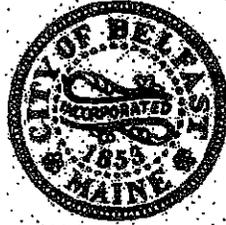
Compensation with CDL is \$24.64 for the first 6 months, then \$25.15 plus \$0.25 if pass a 6-month evaluation. Automatic annual increase per union contract and 4-year step increases.

Hours of operation: 6AM - 4:30PM, Monday through Thursday 40hrs/wk with overtime + stipend (May-November) for holiday and weekend on-call duties.

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Application is open until the vacancy is filled.

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**CITY OF BELFAST
PUBLIC WORKS
TRUCK DRIVER/LABORER**

Nature of Work:

This is manual labor in the operation of trucks and motorized equipment used for road construction and repair, and in the snow and ice removal operations of the Public Works Department.

Employee of this class is able to handle and operate all truck attachments and carry out assignments with relative ease. Employee may operate larger pieces of equipment, but only on a temporary or emergency basis. Employees participate in loading and unloading work. Duties include the performance of manual labor tasks in connection with the operation of trucks or during completion of seasonal work projects. Work instructions may be received in detail for each job to be performed or may follow an established routine. Work is subject to check while in progress and upon completion by the Public Works Foreman.

Essential Duties and Responsibilities:

Operates trucks and sanders in the plowing, sanding and snow removal of City streets.

Operates light to moderately heavy trucks in performance of Public Works Department duties.

May operate other light equipment as needed and may operate heavier equipment such as front-end loaders on an incidental or emergency basis.

Assists the Harbor with installation and removal of floats, docks and other structures at the City waterfront.

Operates a light or moderately heavy truck transporting dirt, gravel, wood and construction materials; assists in loading or unloading trucks.

Performs varied maintenance work including rebuilding storm drains and culverts, patching and building roads and other general duties.

Picks up debris such as blow downs, straightens signs and posts; picks up leaves and brush.

Assists in general repair and preventive maintenance on vehicles and equipment and assists in general maintenance of the Public Works Garage.

Performs related work as may be required.

Requirements of Work:

Thorough knowledge of the standard practices, methods, equipment and tools of the automotive and construction equipment trade.

Working knowledge of the occupational hazards and safety precautions of the trade.

Considerable knowledge of the operating and repair characteristics of a variety of equipment utilized by the Public Safety employees and the Public Works Department.

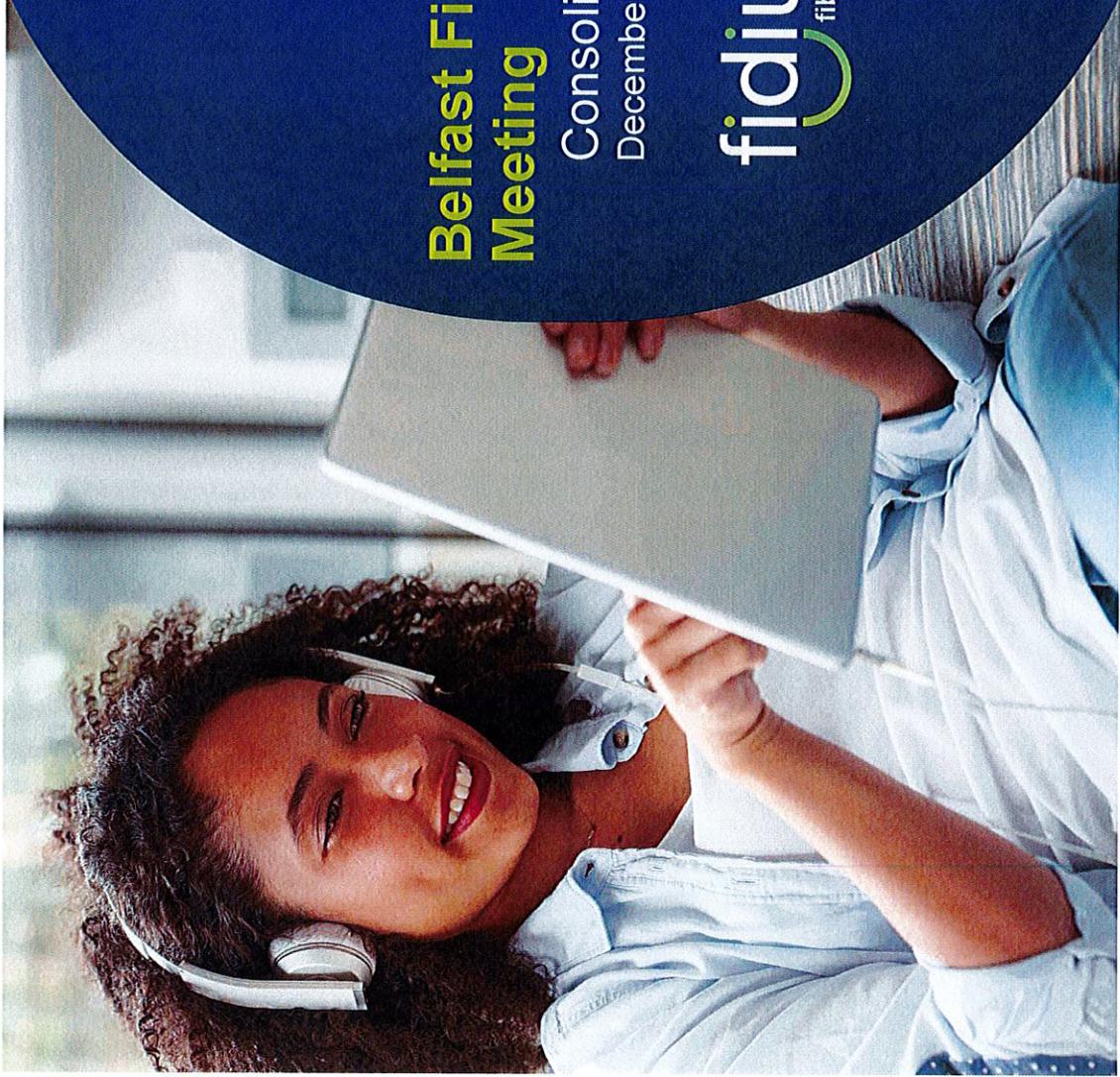
Training and Experience Required:

Experience as a Truck Driver or Equipment Operator, particularly on light trucks; or any equivalent combination of experience and training.

Necessary Special Requirements:

Class B Maine Driver's License and permit for Class A Operator's License. Must obtain a Class A Operator's License within the promotional period as specified in the union contract.

Must have and maintain a good driving record.



Belfast Fiber to the Premise Kickoff Meeting

Consolidated Communications
December 3, 2024

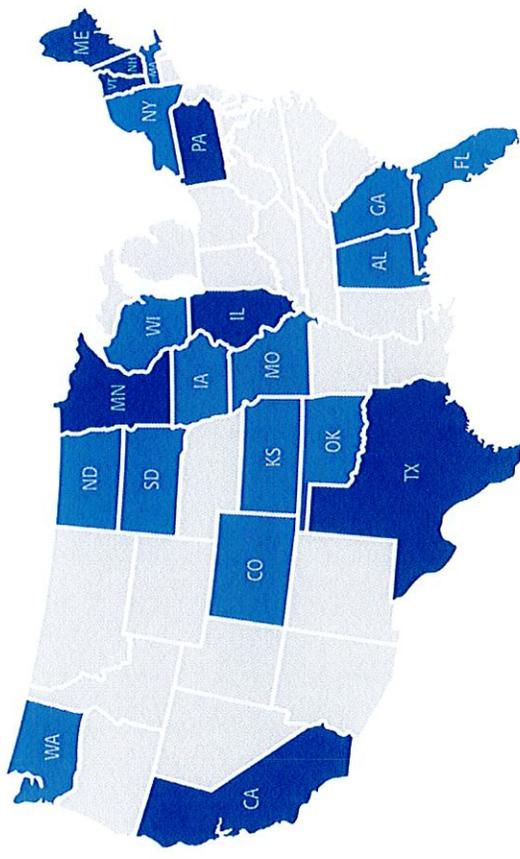


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Consolidated at a Glance



- Top 10 Fiber Provider in the U.S.
- Public Company
- Nasdaq: CNSL – 128 years in business
- 57,900+ Fiber route miles
- Across 20+ States
- 14,450 On-Net Locations
- 13 Data Centers
- 550 Fiber hubs/ COs



3,200 Employees

17 years average experience

- \$1.8 M in annual Community Support
- 6,600+ employee reported volunteer hours
- 130 Chamber of Commerce Memberships

- \$600M+ Capital Investments in 2022
- Building fiber to 70%+ of our service area by 2026

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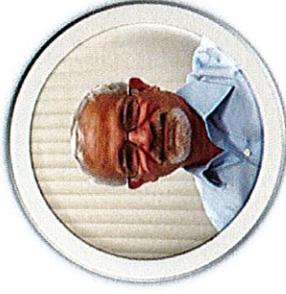
Meet The Team...



Sarah Davis
Vice President Market Development



Mike Cannon
Sr. Director, Construction



Simon Thorne
Senior Manager Government Affairs



Marty Myers
Senior Manager, Construction



What Fidium is bringing to Belfast



Speed, Reliability and Scalability

Fidium Fiber's Broadband Internet Service is a broadband service is a fiber to the we offer using our Fiber-to-the-Premise (FTTP) network and Gigabit Passive Optical Networking Technology capable of delivering services of 2 Gbps symmetrical service.

Our network is scalable up to 10 Gbps symmetrically (XGSPON).

Network Components

- **Optical Network Terminal (ONT)** – Generates laser pulses of light to transmit communications signals. The Light is converted into electrical signals within Optical Network Terminal (ONT) and reverts back from electrical signals into light when traversing the network from the customer premise to the ONT.
- **Optical Splitters** are used in the network to aggregate multiple customers through a fiber connection back to the Optical Line Terminal or electronics. Consolidated utilizes a 1/32 split.
- **Fiber Distribution Cabinets** will be required to house the Optical Splitters and connect fibers from the Remote Terminal or the Central Office to the distribution fibers that serve the customers.
 - A FTTP solution would require Fiber Distribution Cabinets to be placed on poles where applicable. These cabinets are generally 19"x13"x8".

Construction Sneak Peak



Project Details:

Key Statistics For Build

- Total Passings (Belfast) – 4786
- Total Passings (Build)-6340
- Route Miles of Fiber – 129
 - Aerial Fiber Miles – 127
 - Underground Fiber Miles – 2.6

Construction Details

Anticipated Timeframe

- Construction Starts* – 10/15/2024
- Line Timeline* – 6-7 Weeks
- Splice Timeline* – 8-9 Weeks
- Testing Completion* – February 2025
- Service Available-March 2025

Release For Sale

Order – Up!

- We will release FDH's as they, and the central office are ready.
- Customers can go to our website to order: <https://www.fidiumfiber.com/>
- Click for advance drop placement for short install

Residential Pricing Examples



Sample Pricing

Essential
100 Mbps
 Upload/Download

Starts as low as
\$25/mo*
 w/AutoPay & Paperless Bill

1-year price lock
 (\$45/mo after) - No contract

Included Features
 FREE Professional Install
 (\$199 value)

Optional Add-Ons
 WiFi Gateway (\$10/mo.)
 Includes: Attune^{ix} WiFi App
 and 24/7 Network Monitoring
 & Remote Issue Resolution
 Mesh WiFi Extenders (\$10/mo)

Advanced
300 Mbps
 Upload/Download

Starts as low as
\$45/mo*
 w/AutoPay & Paperless Bill

1-year price lock
 (\$65/mo after) - No contract

Included Features
 FREE Professional Install
 (\$199 value)

Optional Add-Ons
 WiFi Gateway (\$10/mo.)
 Includes: Attune^{ix} WiFi App
 and 24/7 Network Monitoring
 & Remote Issue Resolution
 Mesh WiFi Extenders (\$10/mo)

MOST POPULAR

Supreme
1 Gig
 Upload/Download

Starts as low as
\$65/mo*
 w/AutoPay & Paperless Bill

1-year price lock
 (\$85/mo after) - No contract

Included Features
 FREE Professional Install
 (\$199 value)
 FREE WiFi 6 Gateway
 (\$120/yr value)
 24/7 Network Monitoring &
 Remote Issue Resolution
 Attune^{ix} WiFi Control App

Optional Add-Ons
 Mesh WiFi Extenders
 (\$10/mo)

BEST VALUE

Futuristic
2 Gigs
 Upload/Download

Starts as low as
\$85/mo*
 w/AutoPay & Paperless Bill

1-year price lock
 (\$100/mo after) - No contract

Included Features
 FREE Professional Install
 (\$199 value)
 FREE WiFi 6 Gateway
 (\$120/yr value)
 FREE Mesh WiFi Extenders
 (\$120/yr value)
 24/7 Network Monitoring &
 Remote Issue Resolution
 Attune^{ix} WiFi Control App

Fidium@Work Business Internet Plans



2 Gigs
\$240/mo

Same predictable price - year after year
FREE installation
No contract

Futuristic

Symmetrical download and upload speeds of 2 Gigs (that's 2000 Mbps!)
For the ultimate connected office or gathering place -- enough bandwidth for employees and guests

Cloud storage, data backup and recovery, and team collaboration is a breeze

Easily supports connected devices and crystal-clear VoIP calling

[Check Availability](#)

600 Mbps
\$140/mo

Same predictable price - year after year
FREE installation
No contract

Advanced

Symmetrical download and upload speeds of 600 Mbps

Perfect for multiple employees working productively and efficiently

Make seamless video calls, frequent credit card transactions, large file transfers

Easily supports connected devices and crystal-clear VoIP calling

[Check Availability](#)

1 Gig
\$190/mo

Same predictable price - year after year
FREE installation
No contract

Supreme

Symmetrical download and upload speeds of 1 Gig (that's 1000 Mbps!)

Transfer data and download large files without buffering or delay

Handles bandwidth-hungry cloud-based business applications and data processing

Easily supports connected devices and crystal-clear VoIP calling

[Check Availability](#)

300 Mbps
\$80/mo

Same predictable price - year after year
FREE installation
No contract

Essential

Symmetrical download and upload speeds of 300 Mbps

Excellent home-based business solution, perfect for small offices and shops

Reliable, cord and receive emails, transfer large files, process credit card transactions

Easily supports connected devices and crystal-clear VoIP calling

[Check Availability](#)

- All plans include:**
- WiFi 6 gateway** to enable faster speeds and wider coverage
 - WiFi extenders** up to 2 available, if you need them, add't'l for purchase
 - Attune@Work WiFi app** to put you in control
 - Dynamic IP address** 1 Static IP available for charge
 - Proactive network monitoring** to help resolve any issues
 - Professional installation** for speeds up to 1 Gig (\$199 for 2 Gigs)
 - \$5 discount with subscription** to Paperless Billing and AutoPay included in advertised price
 - Optional add-on:** 1 or 2 Unlimited Local & LD VoIP Calling Plan for \$20 per line

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Questions?

fidiumSM
fiber internet

Belfast Garden Club Shed at Municipal Airport

1. Request Council approval for the City of Belfast Public Works to provide space at the Belfast Municipal Airport for the Belfast Garden Club (BGC) to install a storage shed. The shed would be placed at the end of Airport Road near other municipal storage facilities.
2. In collaboration with Belfast Public Works, Parks and Recreation, and the Municipal Airport, the BGC proposes to install a pre-built wooden shed at the end of Airport Road near a city storage area. The shed would provide a central location for BGC members to store materials used for the annual Plant Sale, Open Garden Days, decorations for the Postal Square Holiday Tree and sundry items related to BGC work at the 13 Public Gardens we plant and tend in the City of Belfast. A common shed would allow all members to participate in club activities without regard for whether they have space to store the equipment needed to do our community work. A convenient location and shed with a ramp would provide accessibility for all members. During preparations for the annual Plant Sale, the shed location would provide a secure place to pot and store plants in advance of moving them. Finally, the BGC would no longer need space in the Boathouse attic storage.

Key Partnerships:

- Belfast Public Works prepares the site for a shed to be installed;
- Parks & Recreation provides liaison with the City on issues related to the shed;
- Belfast Municipal Airport management allows access to this storage area.

Scope and Timeline:

- A 10' x 16' A-frame wooden shed built by Hill View Mini Barns of Etna, Maine, would be installed on an extant paved area (see photograph). There is currently one birch tree and invasive Japanese knotweed around the area that club volunteers will remove and mitigate to prepare the site.
- The BGC will pay the full cost of the shed, including delivery and installation (see attached estimate and description.)
- The City will remove stored items from this location in order to prepare the site for delivery and installation of the shed.
- The shed can be built in approximately 3 weeks and delivered to the location once it is level and prepared. The anticipated timeline would be installation in April 2025.

Attachments:

1. Photograph of example of Storage Shed
2. Cost Estimate and details from shed supplier
3. Photo of Site Plan from City
4. Memorandum of Understanding

Draft Memorandum of Understanding for Belfast Garden Club Shed at Municipal Airport

The City of Belfast and the Belfast Municipal Airport agree to provide a space at the end of

Airport Road to site a shed for the Belfast Garden Club (BGC). The airport property address is 22 Wright Brothers Drive; however, the shed location is on the north side of the Airport Road turnaround at the following coordinates: N 44.410415, W-69.010727. The shed will provide a central location for BGC members to store materials used by the club in its activities in support of the City and local community. There is adequate space at the airport for installation of a shed. The Belfast Garden Club carries liability insurance for its members engaging in club activities, and a Certificate of Insurance will be issued to the City on an annual basis for this shed.

Belfast Department of Public Works agrees to:

- Prepare a site at the end of Airport Road near the Municipal Airport storage area.

Belfast Parks & Recreation agrees to:

- Act as the liaison with the BGC on shed-related issues.

Belfast Garden Club agrees to:

1. Coordinate volunteers to perform the initial site preparation, such as removing invasive plants, and to notify the City of who in the BGC will act as their point of contact (POC).
2. Establish and maintain the shed with volunteer help.
3. Store materials there of insignificant value for use by gardener volunteers, NOT to include pesticides, fertilizers or combustibles.
4. Provide a secure lock for the shed.

Shed and Storage: The shed will store plant pots, potting soil, signs, folding tables, bins, tools, snow-fence barriers for the Holiday Tree at Postal Square, wreaths, and other supplies. Although the shed will have a lock, the club will assign one member to organize and maintain the shed and keep a check-list of items.

Hold Harmless

Each BGC member is responsible for his/her actions while on site and agrees to hold harmless the the City of Belfast and Municipal Airport for any liability, damage, loss, or claim that occurs in connection with use of the shed.

Relationship with City of Belfast in dissolution of use of shed by the Belfast Garden Club.

In the event the Belfast Garden Club no longer wishes to use the shed, it will become the property of the City of Belfast.

This Memorandum of Understanding and the Belfast Garden Club's use and maintenance of the shed will be re-evaluated annually, and any new POC from the club will be provided to the City.

Belfast Garden Club Representative

Date

Belfast City Manager

Date



1310 Stage Rd
 Etna, ME 04434
 info@hillviewminibarns.com
 www.hillviewminibarns.com
 207-269-2800

Our other Maine sales locations:

Holden, ME 04429
 Sabattus, ME 04280
 Lyman, ME 04002
 Gray, ME 04039
 Madison, ME 04950

Estimate

Date	Estimate #
10/25/2024	060380

Name / Delivery Address		Deliver To	
Clifford, Alexa Airport Rd Belfast ME			

Phone >>	207-218-1110	Alt. Phone >>		Alt phone 2	
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Building color	Trim Color	Roof Color	Rep
			RNS

Qty	Description	Price Each	Total
	10x16 A-Frame ~ 87" high walls - 2x4 studs 16" O.C. ~ 5 Pressure Treated 4x4 skids ~ Snow load rating of 90 P.S.F. ~ Lifetime Architectural or Metal Roof ~ TechShield roof sheathing ~ 5/50 LP SmartSide Siding (5 year full / 50 year prorated) ~ 50 year Advantech Floor	4,210.00	4,210.00T
16	Upgrade to 2 P.T. 4x6 skids on 8' & 10' wide per FT. building	3.00	48.00T
160	Upgrade to 2x6- 16" O.C. KD floor joists 4" will need to be deducted from wall heights on most buildings over 16' long	1.25	200.00T
	Double Door 5' wide 73.5" high w/1x3 trim & metal door tread	240.00	240.00T
2	Gable Vent 8x16	12.00	24.00T
	5' wide x 4' long Pressure Treated Ramp	130.00	130.00T
	*Hill View cannot guarantee stability of building or that the doors will work properly on gravel bases by contractors or homeowners. Customer takes responsibility to level building on non Hill View Pads. * We request that the customer initially be present when the site work is being done. We can then commit to having the job done the best way possible at the lowest cost possible.		0.00

Ask us about preparing your gravel base!

A 25% non-refundable deposit is required before the building is built. Recreational camps do not meet IRC Energy codes. Customer must check with their town and confirm that buildings can be placed and used where delivered. Hill View Mini Barns is not responsible for any building permits by the town/city or state. Hill View Mini Barns recommends a gravel base or a cement slab that's flat and level on which to put the building. The driver is not responsible for cutting trees or branches, fences, or other obstacles that are in the way of getting to and placing the building in the desired location. There may be an additional charge of \$45.00 for each 1/2 hour for deliveries that take longer than 45 minutes. Hill View Mini Barns is not responsible for any property damage resulting from the delivery. Buildings cannot be placed under power lines. Estimate is valid for 30 days from posted date.

Date _____



1310 Stage Rd
 Etna, ME 04434
 info@hillviewminibarns.com
 www.hillviewminibarns.com
 207-269-2800

Our other Maine sales locations:

Holden, ME 04429
 Sabattus, ME 04280
 Lyman, ME 04002
 Gray, ME 04039
 Madison, ME 04950

Estimate

Date	Estimate #
10/25/2024	060380

Name / Delivery Address Clifford, Alexa Airport Rd Belfast ME				Deliver To			
Phone >>		207-218-1110		Alt. Phone >>		Alt phone 2	
Building color		Trim Color		Roof Color		Rep	
						RNS	
Qty	Description	Price Each	Total				
	Subtotal - A Frame		4,852.00				
	Statewide delivery fee for 8/10' wide	95.00	95.00T				
						Subtotal	\$4,947.00
						Sales Tax (5.5%)	\$272.09
						Total	\$5,219.09

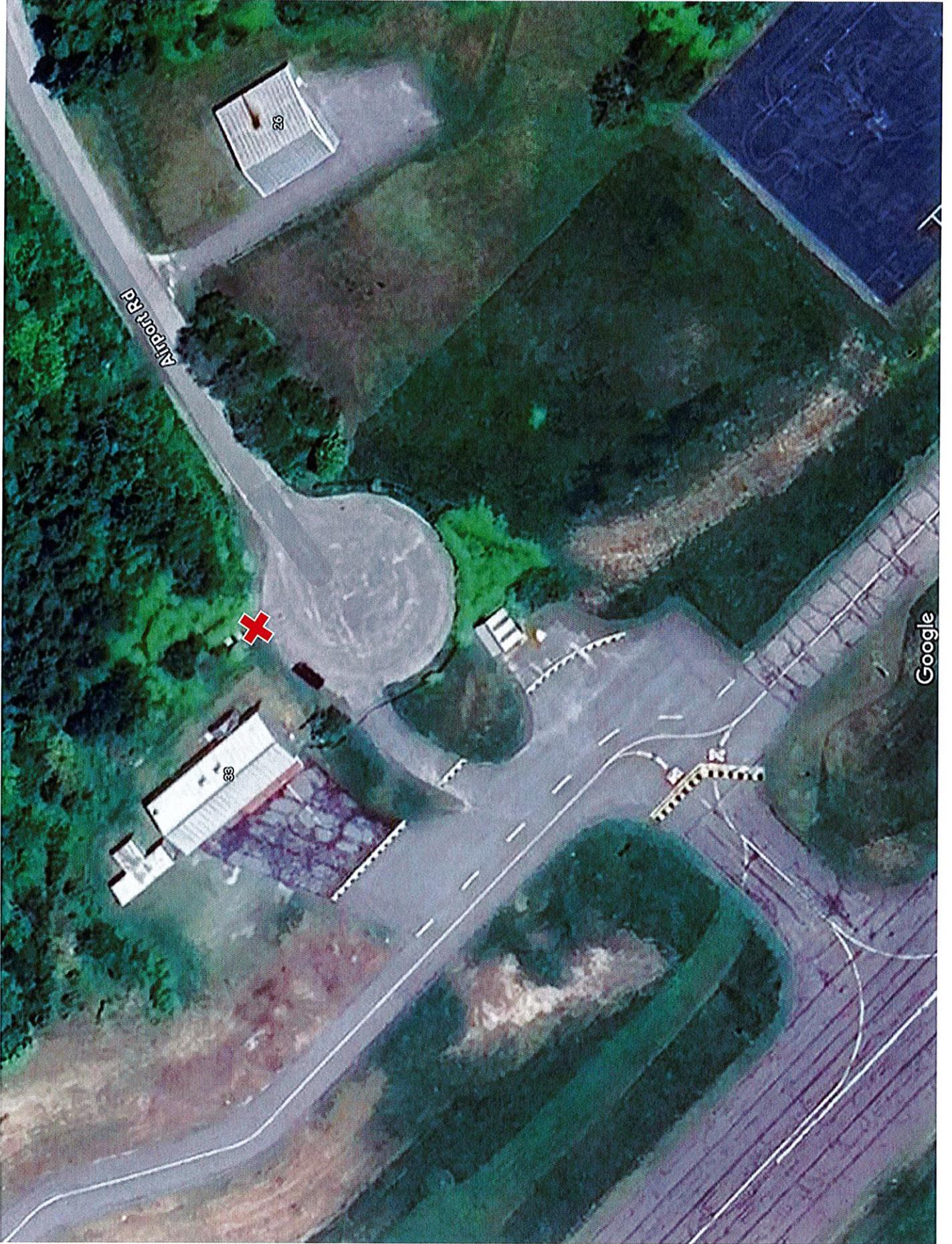
Ask us about preparing your gravel base!

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 Estimate is valid for 30 days from posted date.

Signature _____

Date _____





Airport Rd

26

33

Google

10.E



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Pamela J. Salokangas, CPRP, CPSI
Parks & Recreation Director

Email: parksandrec@cityofbelfast.org
Phone: (207) 338-3370, ext. 127

MEMORANDUM

TO: Erin Herbig, City Manager
FROM: Pam Salokangas, Parks and Recreation Director
DATE: November 21, 2024
RE: Street Closure Request

The annual Holiday on the Harbor celebration takes place on December 14, 2024, from 11 AM-1 PM, and this event is co-sponsored by the Belfast Chamber of Commerce and Belfast Parks and Recreation. Typically, this event includes public carriage rides after Santa arrives by horse-drawn carriage and enters the Boathouse. In the past, these carriage rides have been held on Steamboat Landing Park.

Due to the warm fall weather patterns, the ground is still warm and relatively soft. Unless the area receives a sustained cold weather period, Steamboat Landing Park may not be available for the carriage rides as we do not want to damage the park grounds. Therefore, we are requesting an alternate plan to be enacted on December 14 (if needed) for a short-term street closure in order to change to a street-only route for the carriage rides.

In consultation with Chief Cormier and Harbor Master Given, we're requesting to close Front Street from 9:30 AM-2 PM at the intersection of Front & Main Streets through to the intersection of Front & Commercial Streets, to include the intersections with Federal, Spring, and Miller Streets. We would place a staff member/volunteer at Miller and Front Streets to allow any traffic to cross into the parking lot at the Belfast Yacht Club and event center, and at Spring and Front Street, to allow any traffic to exit the parking lot at the Belfast Yacht Club. We would also have a staff member at the intersection of Front & Commercial Streets to manage the Boathouse parking lot as well as assist with exits from the lower Belfast Common parking lot (which would be a right turn only onto Front Street, and a right turn onto Commercial Street. Barricades would be placed at 9:30 AM on Saturday morning and removed no later than 2 PM after street clean-up.

The carriage rides would depart the front of the Belfast Boathouse and travel out and back along Front Street, turning around near the old Chamber of Commerce offices, which is also their parking area. Both Chief Cormier and Harbor Master Given were included in this route planning and neither of them saw any issues for the short-term event.





CITY OF BELFAST, MAINE 04915
131 Church Street

PLANNING AND CODES DEPARTMENT

Phone: (207) 338-3370 ext. 125

Fax: (207) 338-2419

Email:

planningandcodes@cityofbelfast.org

MEMORANDUM

DATE: November 21, 2024

TO: Mayor, City Council, and City Manager

FROM: Alexandra E. Sykes, City Planner

CC: Bub Fournier, Director of Planning and Codes

RE: First Reading – Contract Rezoning Agreement Amendment #1 – Three Tides Restaurant

BACKGROUND INFORMATION

Daniel Waldron, Applicant, is proposing to reconstruct the Three Tides restaurant building located at 2 Pinchy Lane, Map 11 – Lot 141-B. The proposal involves review pursuant to the Contract Rezoning process in Chapter 102 Zoning for the Waterfront Mixed Use zoning districts. In this process, the Planning Board and Intown Design Review Committee have served in advisory positions to the City Council, who will have the final decision. The property is subject to an approved Contract Rezoning Agreement from 2020. The current proposal is a minor amendment to that approval. The Intown Design Review Committee (October 3) and Planning Board (November 13) have completed their review of the Applicant proposal; thus, a draft Contract Rezoning Agreement Amendment #1 is now being presented for Council consideration.

The current review for this property is considered an Amendment to the original Contract Rezoning Agreement because of its minor changes to the footprint in relation to the property setbacks and partial encroachment of the building's footprint within the city-owned Belfast Harbor Walk. You will note there have been substantive changes to the architectural design, which was presented to the Intown Design Review Committee earlier this Fall. Unlike the original 2020 proposal that was a renovation of the existing building, the current proposed project will be a reconstruction of the existing structure with a slight expansion (this project will utilize the existing foundation and build upon it). The majority of the language within the 2020 Contract Rezoning Agreement has been maintained, except for the minor amendments in which the Applicant is seeking approval from the City. The main amendment approvals the Applicant is seeking include three main items:

- 1) To allow the reduced setback requirements on the western and front property lines

(currently the proposed reconstructed building results in a building not being able to comply with the 10 foot front setback and 5 foot side setback requirements that apply to the Waterfront Mixed Use 2 zoning district), and

- 2) To locate a portion of the new stair and front porch (on the southern side of the building) within the bounds of the City Harbor Walk right-of-way, and
- 3) To reaffirm the Council previous approval in 2020 to designate two public parking spaces located directly adjacent to the Front Street Pub in Belfast Yards to be handicap spaces.
 - a. To note: These spaces would not be dedicated for the Three Tides Restaurant but would provide handicap parking that would be readily accessible to the restaurant.

Within your packets, we have included several documents that provide further detail further detail of the approval requests for this Amendment #1 to the Contract Rezoning Agreement:

- 1) Draft of the 2024 Contract Rezoning Agreement Amendment #1
 - a. This document will be the binding document between the Applicant and the City. The previous agreement was signed by the Applicant and City Manager on behalf of the City Council after formal adoption by the Council.
- 2) Findings of Fact and Conditions of Approval – Attachment A dated November 13th, 2024
 - a. These documents describe the specifics of the requested amendments as discussed and unanimously approved by the Planning Board to be recommended to the City Council.
 - b. Within these documents you will find **highlighted** areas which indicate the content that changed from the original Contract Rezoning Agreement and items in **red** which indicate areas of dates to be filled in after review with Council and/or areas needing reaffirming by Council (i.e. the handicap parking space designation request)
- 3) Aerial View of Belfast Yards Parking Area and Three Tides Restaurant
 - a. This single sheet includes an aerial view of the location of the proposed (2) Accessible Parking Spaces in relation the immediate surrounding context of the area. The approximate location of the (2) spaces are outlined in **blue**.
- 4) Architectural Drawings and Site Plan dated October 17th, 2024
 - a. These documents will serve as the drawings of record for this Contract Rezoning Agreement Amendment #1 and depict the proposed architectural design that was reviewed by the Intown Design Review Committee and Site Plan that identifies the requested dimensional relief from the property setbacks and extent of building encroachment in the City Harbor Walk right-of-way
- 5) Notice to the Property Owner of the First Reading of the Three Tides Contract Rezoning Agreement Amendment #1
 - a. To note: At this First Reading there is not a scheduled public hearing, as a part of the Contract Rezoning Process outlined in the City Code of Ordinances, but there

will be a duly noticed public hearing for the scheduled Second Reading based on feedback from Council at this evenings meeting.

- 6) Notice of Decision & Recommendations from the Intown Design Review Committee dated October 3rd, 2024
 - a. This document details the vote and approval from the Intown Design Review Committee at their meeting that they unanimously voted to approve the building proposal and recommend as presented to the Planning Board and subsequently the City Council.

- 7) Original 2020 Contract Rezoning Agreement for Three Tides as presented to City Council
 - a. For reference the original 2020 Approved Contract Rezoning Agreement is included for comparison to the drafted Amendment #1 to the Contract Rezoning Agreement.

REQUESTED COUNCIL ACTIONS

Staff would like to describe the proposal and the action of the Planning Board at your upcoming meeting; Daniel Waldron (applicant) will also be present at the meeting if the Council has any specific questions regarding the project. I respectfully ask the Council to conduct a formal First Reading of the proposed Amendments to the Contract Rezoning Agreement. As a part of the First Reading, I respectfully ask the Council to consider taking a vote **to approve the First Reading of the proposed Amendments to the Contract Rezoning Agreement as discussed and/or amended and to direct staff to schedule a public hearing and Second Reading (suggested date January 7, 2025)**. A public hearing and Second Reading are required for the formal adoption of the Amendment to the Contract Rezoning Agreement and only the City Council can adopt the Amendments due to the nature of the Amendments.

**DRAFT CONTRACT REZONING AGREEMENT
AMENDMENT #1
CITY of BELFAST CODE of ORDINANCES**

CITY OF BELFAST CITY COUNCIL

APPLICANT: MAIA PROPERTIES, LLC (DANIEL WALDRON)

PROJECT: THREE TIDES RESTAURANT RENOVATION

LOCATION: MAP 11, LOT 141B

1) Parties to Agreement.

Applicant: **Maia Properties, LLC (hereinafter 'Applicant')**
ATTN: Daniel F. Waldron, WhiteCAP Builders
15 Evergreen Ridge Road
Belfast, ME 04915

City: City of Belfast (hereinafter 'City')
131 Church Street
Belfast, Maine 04915

2) Description and Location of Property.

WhiteCAP Builders, Daniel Waldron, President (hereinafter Applicant), on behalf of Maia Properties LLC, owner of the former Three Tides Restaurant property located at 2 Pinchy Lane, Map 11, Lot 141B, is proposing to reconstruct and expand the existing building to re-establish its use as a restaurant. The Applicant is proposing to demolish the current building, saving the foundation for future re-use, and building a new structure that captures the visual essence of the surrounding buildings. Like the former building, the new structure will serve as a bar, restaurant and beer garden and will be 3 stories tall. The newly constructed building will include: a ground level consisting of storage, cold storage, toilets and waterfront assembly & seating space; the second story will consist of a kitchen, bar, toilets, and indoor & deck seating; and the third story will consist of a service bar, toilets, storage, and indoor & deck seating. Access to the property will be via Pinchy Lane, Front Street, and the Harbor Walk.

The Three Tides Restaurant and accompanying improvements have been located on this property since 2002. The property is 9,583 square feet in size (.22 acres) and it has 105.4 ft of frontage on the public right-of-way for the Belfast Harbor Walk, and it has 66 feet of shore frontage. While the address of this property is 2 Pinchy Lane, the property does not have any street frontage on the nearest street, Marshall Wharf. The property owner and former operators of the Three Tides Restaurant have used Marshall Wharf to provide vehicular access to the property.

3) Applicant Request and Purpose of Contract Rezoning Agreement.

The Three Tides property is located in the Waterfront Mixed Use 2 zoning district and the Waterfront Development shoreland district. The Belfast City Council, in February 2023, adopted amendments to the City Code of Ordinances, Chapter 102, Zoning, and Chapter

82, Shoreland, to allow the potential use of contract rezoning for a property located in this zoning and shoreland district. Pursuant to the 2023 Ordinance amendments, reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland District, an applicant whose property is located in the Waterfront Mixed Use 2 zoning district may voluntarily request to apply for a Contract Rezoning Agreement.

The Applicant proposal to re-establish the Three Tides Restaurant is a permitted use in both the Waterfront Mixed Use 2 zoning district and the Waterfront Development shoreland district. The main reason the Applicant is pursuing an Amendment #1 to the Contract Rezoning Agreement is because the proposed renovations to the Three Tides Restaurant building result in the Applicant not being able to satisfy dimensional standards for the Waterfront Mixed Use 2 zoning district; both the front structure setback requirement of 10 feet, and the side structure setback requirement of 5 feet (one side of the building). In addition, the Applicant is requesting to construct a small portion of a new stair hall and front porch, both the foundation for the stair hall and front porch, and the overhang of the eaves, within the bounds of the City owned right- of-way for the Belfast Harbor Walk.

4) City Code of Ordinance Requirements.

The Belfast City Council determined that the City has the authority to consider the Applicant proposal to develop and occupy this property pursuant to terms of a Contract Rezoning Agreement Amendment #1. The Council considered the provisions of the applicable City Code of Ordinances and the recommendations of the City of Belfast Planning Board and Belfast Intown Design Review Committee in determining that the Applicant project is an allowed use and that it satisfies applicable Ordinance requirements, subject to terms of this Contract Rezoning Agreement Amendment #1. The Council considered the following Ordinances:

- a) Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District. The Council specifically found that Section 102-1451 (b) establishes that the Applicant property qualifies to request the issuance of a Contract Rezoning Agreement Amendment #1. The Council concurred with the Belfast Planning Board that the Applicant's request for relief from certain dimensional (setback) requirements that apply to the Waterfront Mixed Use 2 Zoning District warrants City consideration of issuing a Contract Rezoning Agreement Amendment #1.
- b) Chapter 102, Zoning, Article V, District Regulations, Division 9, Inside the Bypass Zoning Districts, Section 102-462, Table of Uses, and Section 102-471, Dimensional Table, for the Waterfront Mixed Use 2 zoning district. The Council concurred with the recommendation and finding of the Belfast Planning Board that a restaurant with inside and outside seating is a permitted use, and that the property complies with applicable dimensional requirements, subject to the structure setback relief granted through this Agreement.

- c) Chapter 82, Shoreland. The Council concurred with the recommendation and finding of the Belfast Planning Board that the property is located in the Waterfront Development Shoreland District and that the Applicant proposal must comply with applicable Shoreland requirements.
- d) Chapter 90, Site Plan. The Council concurred with the recommendation and finding of the Belfast Planning Board that Chapter 90, Site Plan, applies to the project renovations proposed by the Applicant.
- e) Chapter 78, Floods. The Council concurred with the recommendation and finding of the Belfast Planning Board that Chapter 78, Floods, applies to the renovations proposed by the Applicant. The Three Tides Restaurant building is located in the AE zone, elevation 11, of the flood zone.
- f) Chapter 80, Intown Design Review. The Council concurred with the finding of the Belfast Planning Board that Chapter 80, Design Review, applies to the renovations proposed by the Applicant. The Intown Design Review Committee, pursuant to Step 2 of the Contract Rezoning process, conducted its review of the Applicant proposal at its meeting of October 3, 2024. The Planning Board and City Council considered the Committee's recommendations in making its decision on the requested Contract Rezoning Agreement Amendment #1.
- g) Chapter 98, Technical Standards Ordinance. The Council concurred with the finding of the Belfast Planning Board that the Technical Standards provided guidance to both the Board and the Council in implementing goal statements identified in Chapter 102, Zoning, Article X.

5) Description of City Council Action

The Belfast City Council conducted the public hearing and meetings associated with its review of the requested Contract Rezoning Agreement that are required by Chapter I 02, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District. The Council conducted the First Reading of the proposed Contract Rezoning Agreement Amendment #1 at its meeting of December 3, 2024, and conducted the Second Reading and accompanying public hearing at its meeting of [---date to be determined---].

The Council, at its meeting of [---date to be determined---], found that the Applicant satisfied all requirements of Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland Districts, Sections 102-1450, 102-1451(b), 102-1453, and 102-1454, and voted at this same meeting to approve the Contract Rezoning Agreement Amendment #1 for the property located at Map 11, Lot 141B. The Council found that the Applicant proposal satisfied all Section 102-1453(a) Mandatory Conditions for a Contract Rezoning Amendment (Agreement) that are stipulated in State Law, all Section 102-1453(b) Discretionary Conditions for a Contract Rezoning Agreement that are stipulated in the City Code of Ordinances, and that the project proposal is consistent with the Goal Statements stipulated in Section 102-1454. The

Council, at its meeting of [----date to be determined----], adopted a motion to approve the Applicant request for a Contract Rezoning Agreement Amendment #1. This Agreement grants the Applicant relief from certain structure setback requirements; reference Attachment A, Conditions of Approval. Further, the terms of this Contract Rezoning Agreement Amendment #1 shall replace and supersede terms of Use Permits and Site Plan Permits granted to David and Sarah Carlson, past owners and operators of the Three Tides Restaurant.

The Council authorized the City of Belfast City Manager to enter into (sign) this Agreement on their behalf.

6) Terms and Conditions of Approval

The Contract Rezoning Agreement Amendment #1 is subject to Applicant compliance with the terms and conditions identified in Attachment A, City of Belfast Planning Board recommended Conditions of Approval, which the Planning Board reviewed and approved at its meeting of November 13, 2024, and as such were reviewed by the Council at its meetings of December 3, 2024 and [----date to be determined----], and as such were approved, including amendments, by the City Council at its meeting of [----date to be determined----].

7) Integration.

This Contract Rezoning Agreement Amendment #1, together with all attachments, represents the set of terms and conditions between the parties. No oral statements, promises or understandings may be relied upon by either party.

8) Assignment.

The City requires the Applicant to inform the City and obtain City approval, subject to terms identified in this Contract Rezoning Agreement Amendment #1, of any proposal or request to assign the terms of this Agreement to any other party. Such a request shall be considered an amendment to this Agreement.

9) Enforcement.

The following provisions shall apply to enforcement of the terms of this Contract Rezoning Agreement Amendment #1:

- a) The parties hereto acknowledge that this Agreement is enacted pursuant to and is an extension of the land use laws of the City of Belfast. The City may enforce any violation of the terms and conditions in the Contract Rezoning Agreement Amendment #1 and all attachments hereto, pursuant to the relief, penalties and remedies, including injunctive relief, as contained in Title 30-A M.R.S 4452 and Rule SOK of the Maine Rules of Civil Procedure. Each day of violation shall be considered a separate violation. Provided, however, with the exception of emergency safety issues, no enforcement action shall take place unless the Applicant, or its heirs, successors and assigns, fails

to substantially cure violations after receipt of written notice from the City demanding cure within 30 days of receipt of said notice by the Applicant or its heirs, successors and assigns; and

- b) Unless specifically displaced by the terms and conditions described herein, the Applicant, or its heirs, successors and assigns, shall comply with all performance standards, land use ordinances, and public health, safety and welfare ordinances of the City of Belfast, whether existing or to be enacted in the future.

10) Effective Date of Agreement.

The effective date of this Contract Rezoning Agreement Amendment #1 shall be the date of its adoption by the City Council, [----date to be determined----]. This Agreement was adopted and signed by both the Applicant (Daniel Waldron, President) and the City (by Erin Herbig, City Manager) in [----date to be determined----].

The adoption of the Contract Rezoning Agreement Amendment #1 and the accompanying Attachment Planning Board Recommended Conditions of Approval, is a legal land use decision of the City Council of the City of Belfast. Any appeal of this decision must be filed in the Waldo County Superior Court within 30 days in accordance with provisions of City Code of Ordinances, Chapter 102, Zoning, Section 102-1455.

ON BEHALF OF THE APPLICANT,

DATED: _____

Daniel F. Waldron

State of Maine Waldo
County, ss

Personally appeared before me the above-named Daniel F. Waldron, President, WhiteCAP Builders, and made oath that the above-stated facts are true based upon his knowledge, information and belief and to the extent that they are based upon information and belief, Daniel F. Waldron swears that he believes them to be true.

Before me ,

Notary Public

Type of Print Name as Written

My Commission Expires:

ON BEHALF OF THE CITY OF BELFAST,

DATED: _____
_____ Erin Herbig

State of Maine
Waldo County, ss

Personally appeared before me the above-named Erin Herbig, City Manager, City of Belfast and made oath that the above-stated facts are true based upon her knowledge, information and belief and to the extent that they are based upon information and belief, Erin Herbig swears that she believes them to be true.

Before me,

Notary Public

Type or Print Name as Written

My Commission Expires:

BELFAST PLANNING BOARD
FINDINGS OF FACT
MAIA PROPERTIES, LLC
THREE TIDES RESTURANT
2 PINCHY LANE – MAP 11, LOT 141-B
CONTRACT REZONING AGREEMENT AMENDMENT #1

1. Applicant:

Maia Properties, LLC
15 Evergreen Ridge Road
Belfast, ME 04915

2. Description of Property and Project:

WhiteCAP Builders, Daniel Waldron, President (hereinafter Applicant), on behalf of Maia Properties LLC, owner of the former Three Tides Restaurant property located at 2 Pinchy Lane, Map 11, Lot 141B, is proposing to reconstruct and expand the existing building to re-establish its use as a restaurant. The Applicant is proposing to demolish the current building, saving the foundation for future re-use, and building a new structure that captures the visual essence of the surrounding buildings. Like the former building, the new structure will serve as a bar, restaurant and beer garden and will be 3 stories tall. The newly constructed building will include: a ground level consisting of storage, cold storage, toilets and waterfront assembly & seating space; the second story will consist of a kitchen, bar, toilets, and indoor & deck seating; and the third story will consist of a service bar, toilets, storage, and indoor & deck seating. Access to the property will be via Pinchy Lane, Front Street, and the Harbor Walk.

The Three Tides Restaurant and accompanying improvements have been located on this property since 2002. The property is 9,583 square feet in size (.22 acres) and it has 105.4 ft of frontage on the City-owned Belfast Harbor Walk, and it has 66 feet of shore frontage. While the address of this property is 2 Pinchy Lane, the property does not have any street frontage on the nearest street, Marshall Wharf. The property owner and former operators of the Three Tides Restaurant have used Marshall Wharf to provide vehicular access to the property.

3. Description of Planning Board Actions:

3.1 The City Council, at its meeting of July 21, 2020, reviewed all requirements in the City Code of Ordinances, Chapter, 102, Zoning, Article X Contract Rezoning, Division 4, Waterfront Mixed Used Zoning Districts and Waterfront Development Shoreland District, reviewed the recommendations by the Belfast Planning Board and Intown Design Review Committee, and voted to approve the issuance of a Contract Rezoning Agreement Amendment #1 to the Applicant.

3.2 The Planning Board, at its meeting of November 13, 2024, acknowledged that the Belfast Intown Design Review Committee met on October 3rd, 2024, to review the

Applicant proposal pursuant to Step 2 of the Contract Rezoning process, and that the Committee prepared its recommendation to the Planning Board. The Board, as identified in these Conditions (Condition 6), supported the recommendations of the Intown Design Review Committee.

3.3 The Planning Board, at its meeting of November 13, 2024, conducted a public hearing on the Applicant proposal pursuant to Step 4 of the Contract Rezoning process. No public comment was offered at the public hearing. The Board found that the Planning and Codes Department provided the required public notice of the public hearing to the abutting property owners, and that the Department advertised notice of the hearing in the Midcoast Villager Newspaper and posted such on the City website.

3.4 The Planning Board, at its meeting of November 13, reviewed all requirements in the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use zoning districts and Waterfront Development Shoreland district, Chapter 90, Site Plan, Chapter 82, Shoreland, Chapter 78, Floods, and applicable Chapter 98, Technical Standards, and found that the proposed project complied with applicable requirements. The Board, at its meeting of November 13, 2024 adopted these proposed Conditions of Approval, Attachment A, and unanimously voted to recommend Council consideration of these Conditions of Approval.

3.5 The Planning Board, at its meeting November 13, 2024, reviewed and adopted draft Findings of Fact regarding its November 13, 2024 review of the Applicant proposal and decision to recommend these Conditions of Approval to the City Council.

4. Planning Board Determination of Project Compliance with Use and Dimensional Requirements for the Waterfront Mixed Use 2 Zoning District and Waterfront Development Shoreland District, and Amendments to the City Ordinance Requirements Pursuant to this Contract Rezoning Agreement.

The Planning Board determined that the property is located in the Waterfront Mixed Use 2 district and the Waterfront Development Shoreland district. This Zoning district and Shoreland district allow a property owner/applicant to voluntarily request the award of a contract rezoning agreement. The Applicant has chosen to pursue a contract rezoning agreement to obtain a reduction in the amount of structure setback required for the Waterfront Mixed Use 2 zoning district from certain lot lines. More specifically, the lot line adjacent to the City owned Belfast Harbor Walk right-of-way, and a side lot line with the adjacent property owned by John Holmes that is leased by the Front Street Shipyard. The proposed layout and structure setbacks of the reconstructed restaurant is described in modified Site Plan dated 10-17-24 entitled "Site Plan, Lands of MAIA Properties, LLC and Mena F. Holmes, Marshall Wharf Road, Belfast, Maine, prepared by Good Deeds". Said Site Plan is incorporated as the approved Site Plan for this Contract Rezoning Agreement Amendment #1.

4.1 Waterfront Mixed Use Zoning District Standards.

Permitted Uses:

The Applicant proposes to use the property as a restaurant. The Planning Board determined that a restaurant with indoor seating and a restaurant with outdoor seating are permitted uses in the Waterfront Mixed Use 2 zoning district; reference Section 102-462, 115) and 116). The restaurant would have a total of about 175 seats; 93 total exterior seating (30 seats on ground level, 36 seats on bar level, and 27 seats on second floor; all seasonal deck seating), and 82 total interior seating (32 seats on bar level, 50 seats on second floor level). The Board also noted that the ground area could accommodate a number of additional ‘standers’ (customers for whom seats were not provided).

Minimum Lot Size:

The Belfast Planning Board determined that the minimum lot size standard for the Waterfront Mixed Use 2 zoning district is 20,000 sq ft for a nonresidential use [reference Sec 102-471 1)i], and that the minimum street frontage requirement is 200 lineal feet for a property that has shore frontage [reference Sec 102-471 2)b]. Pursuant to Footnote 3 of the Dimensional Table for the Waterfront Mixed Use 2 zoning district, the Planning Board determined that the property, Map 11, Lot 141-B, is a nonconforming lot of record for a nonresidential use. The Planning Board found that the size of the lot should not be a concern with respect to the use of the property as a restaurant and its reconstruction that would result in a minimal increase in seating.

Structure Setbacks.

The Planning Board determined that the Dimensional Table for the Waterfront Mixed Use 2 Zoning district, Section 102-471, identifies the amount of structure setback for nonresidential structures.

- a. Front Setback. **Subsection 3) c.** identifies a front structure setback requirement of 10 feet from a property line. The Planning Board supported a reduction in the amount of front setback which would afford the structure on the southerly side to be 9'-9" (at the roof drip line) from the property line, and a 1'-4" setback from the edge of the Harbor Walk. Note that this Southern elevation of the stair core encroaches upon the city-owned Belfast Harbor Walk by about 2'-5" at its most, tapering down to about 2'-1" at its least. This encroachment is the minimum needed to accommodate ADA stair code widths. The Board supported a recommendation to allow this minor reduction in setback, finding that this reduced setback would benefit the reconstruction of the building and that it should not adversely impact public use of the Harbor Walk. The Board noted that this option would require Council consideration of a property ownership issue regarding the amount of encroachment into the right-of-way.

- b. Side Setback. **Subsection 4) c.** identifies a structure setback requirement of 5 feet from the side property line. The Applicant is proposing to expand the footprint to create a new commercial kitchen and walk-in cooler adjacent to the northerly and westerly side lot line (common property lines with the adjacent Holmes property). This structure would be setback between 4'-6' at its narrowest point from the west side property line closest to the Harbor Walk. At the Northeast interior corner of the building, there is a zero setback from the property line at its narrowest point, extending North approximately 9' to accommodate the exterior stair landing (no roof over this), and at this same corner, the setback to the building (at the roof dripline) is 3" at its narrowest point, gradually increasing to about 2'-1". In addition, from the east side setback, the building would be 15'-3" to the edge of the ADA ramp from the property line and 72'-7" from the property line to the roof dripline of the structure. The Board supported a recommendation to allow a minor reduction in setback at the western most property line closest to the Harbor Walk, and a tapering to zero setback from the westerly property lines nearest to the waterfront; finding that this reduced setback would benefit the reconstruction of the building, and it should not adversely impact the neighboring property.
- c. The Board found that the proposed development satisfied the rear structure setback of 5 feet and that the Applicant was not seeking any relief from this setback requirement.

5.2 Waterfront Mixed Use Zoning District Standards.

Permitted Uses: The Applicant proposes to use the property as a restaurant. The Planning Board determined that a restaurant is a commercial use and that Section 82-135, Table of Uses for the Shoreland zone, allows commercial uses in the Waterfront Development Shoreland district.

Minimum Lot Size: The Belfast Planning Board determined that the minimum lot size standard for the Waterfront Development Shoreland district for a commercial use is 40,000 square feet and 200 feet of shore frontage; reference Section 82-181. Map 11, Lot 141B does not satisfy either of these requirements, thus, the Board determined that the property is a nonconforming lot of record. The Board found that the size of the lot is not a concern regarding its use as a restaurant or its proposed expansion to increase the amount of seating by 33 seats from the original restaurant seating count.

Structure Expansions that Conform to Setback, Building Height, Lot Coverage and Shore Setback Requirements.

The Board found that the proposed project complies with the following standards for the Waterfront Development Shoreland District:

- Setback from high water - Setback standard is zero feet. The Board noted that the Applicant is not proposing any improvements that would encroach on the shoreline.
- Building height - The existing building is less than 35 feet in height at the peak, and the applicant does not propose to increase the height of the building.
- Lot Coverage - This shoreland district allows 100% lot coverage. The Board noted that nearly all of the existing lot (prior to the Applicant's renovations) was an impervious surface.

**Planning Board Findings of Fact
Project Consistency with Section 102-1453 Requirements.
Conditions that apply to a Contract Rezoning Application.**

The Planning Board is required to make a recommendation to the City Council regarding project compliance with Section 102-1453 Requirements; is the proposed project consistent with the Mandatory Conditions for a contract rezoning agreement, and is it consistent with the Discretionary Conditions for a contract rezoning agreement. The Belfast Planning Board, at its meeting of November 13, 2024, found that the Three Tides Restaurant reconstruction project is consistent with the Mandatory and Discretionary Conditions of Article X, Contract Rezoning, Division 4, Waterfront Mixed Use zoning districts . The specific findings of the Board are as follows:

(A) Mandatory Conditions. A contract rezoning agreement (ordinance amendment) that is reviewed by the Planning Board and enacted by the Council shall comply with the following mandatory conditions. The Planning Board made the following findings regarding the three standards identified in Section.

- 1) **Project is consistent with the City Comprehensive Plan.** The Planning Board found that the proposed project is located in the Working Waterfront land use area identified in the Future Land Use Plan of the City Comprehensive Plan that was adopted by the City Council in June 2024. The Working Waterfront area is in the City's established growth area, and was intended to allow a mix of nonresidential uses, particularly uses that involved an active waterfront. The Board found that the proposed use of this property as a restaurant is consistent with this land use area designation, and that the use of contract rezoning for a property in this area is specifically identified as an approach that an Applicant and the City could consider.
- 2) **Be consistent with existing and permitted uses in the Waterfront Mixed Use 2 zoning district and the Waterfront Development Shoreland District.** The Board found a restaurant is specifically identified as a permitted use in both the Waterfront Mixed Use 2 Zoning District and in the Waterfront Development Shoreland District.

- 3) **Include only conditions or restrictions that relate to the physical development or operation of the property.** The Board found that the Applicant is requesting a potential reduction in the front and side structure setback as depicted in modified Site Plan dated 10-17-24 entitled "Site Plan, Lands of MAIA Properties, LLC and Mena F. Holmes, Marshall Wharf Road, Belfast, Maine, prepared by Good Deeds" that apply to the Waterfront Mixed Use 2 zoning district, and that these setback requests involve the physical development and operation of the property.

(B) Discretionary Conditions. The Planning Board found that the uses and development proposed by the Applicant are consistent with requirements of the Waterfront Mixed Use 2 Zoning District and the Waterfront Development Shoreland District and the provisions Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District that apply to this property. The Board further found that its recommended Conditions of Approval (Attachment A) are consistent with the intent to establish reasonable discretionary conditions and restrictions as such was intended and allowed by Article X. The Board found that the proposed development successfully addresses potential impacts on the community's character, services, infrastructure, economy and residents, provided the applicant complies with the Board's recommended Attachment A, Conditions of Approval. The Board specifically noted that this property was developed and operated as a restaurant for nearly 19 years, and that the Applicant proposes to reconstruct the restaurant to encourage the active reuse of this property.

Planning Board Findings of Fact

Project Consistency with Goal Statements identified in Section 102-1454. Minimum goals that the applicant shall satisfy and that the City shall address in establishing conditions for a contract rezoning request.

An application to establish a project through the contract rezoning process must address the goal statements and project requirements identified in Section 102-1454. The Belfast Planning Board, at its meeting of November 13, 2024, found that the Three Tides Restaurant reconstruction project proposal was consistent with Section 102-1454 requirements. The Board made the following specific findings.

- 1) **Use of site.** Issues to consider include but are not limited to the following:
 - a. Does the applicant propose multiple use of the site, particularly multiple use of the larger sites?
 - b. Are existing functionally water dependent uses retained, or are new water dependent uses established, such as but not limited to a marina or boat repair, boat storage, boat retrofitting, boat building and/or boat sales.
 - c. If housing is a component of the project, what are the number of housing units and scale of the housing development compared to the amount of nonresidential development. The City intent is to allow mixed use, which includes allowing housing as a component of a project.

- d. Does the project involve subdividing or dividing a larger parcel? The City goal is to encourage an applicant to retain existing large lots (lots greater than one acre) to better allow waterfront development.
- e. How does the proposed use complement or enhance existing uses of the waterfront?
- f. How does the proposed project complement or benefit public purposes and use of the waterfront?

Board Finding: The Board found that a restaurant is a permitted use in the Waterfront Mixed Use 2 Zoning District and the Waterfront Development Shoreland District, and that the Applicant proposal is a continuation of a previous use. The Applicant also intends to retain the existing dock and floats along the waterfront of the property.

2) Site lay-out. The goal is to achieve a site lay-out that complements the character and functionality of the area and that promotes a healthy waterfront. The standards for the Waterfront Mixed Use zoning districts and Waterfront Development shoreland district are very permissive and require little if any structure setbacks from lot lines or the highest annual tide (identified as the normal high-water mark for applications submitted prior to July 2022), and allow 100% lot coverage. Contract rezoning is a tool that should promote a balance between how to allow intensive use while recognizing potential occurrences associated with full development. The City shall consider issues such as structure setbacks, access to the site, the lay-out of parking areas, and the provision of open areas in determining the amount of development permitted.

- a. Board Finding: The Board found that the request to expand the building within the setback adjacent to the Harbor Walk is reasonable, as is the request to expand within one of the side setback areas. The Board found that the setback reductions will benefit the expansion of the building, will foster redevelopment of a permitted use in the zoning/shoreland districts and will not adversely impact use of the Harbor Walk. The Board noted that the City created zoning and shoreland standards that allow intensive use of a property, and that this proposal is consistent with City goals for this area.

3) Public use areas. The City shall consider the extent to which an applicant is allowing or encouraging public use of a site, particularly waterfront access. Waterfront access is critical to this area. The City and community has a strong public presence on the waterfront, including but not limited to: ownership of several properties, including waterfront properties that have shore frontage; management of public parks, including Steamboat Landing Park, the Boathouse at Steamboat Landing, and Heritage Park; ownership of several buildings, several of which it leases for private purposes; management of both City Landing and Thompsons Wharf to provide public access to the water; and the management of the Armistice Bridge, Belfast Harbor Walk, and the Belfast Rail Trail, all of which the City constructed to create opportunities for pedestrians and bicyclists to have connected and continuous access to the Belfast's waterfront.

- a. Board Finding: The Applicant is not proposing any new public use associated with this proposal. The Board noted that the City constructed the Harbor Walk to foster public access to the waterfront and to encourage private development in this area,

and that the proposed redevelopment of the former restaurant is consistent with this goal.

4) Traffic analysis and management. An applicant shall analyze traffic generated by the proposed project and identify measures to accommodate traffic, including potential street improvements. The analysis should include base-line traffic, estimated traffic resulting from this project, estimated traffic resulting from anticipated ancillary development to this project, and growth trends for start-up and build-out of the site and surrounding area. Traffic volumes shall be projected for a minimum period of five-years, with identification of present and future levels of service and suggested mitigating measures, if any are warranted. An applicant may provide the City an off-site impact fee for street improvements rather than being required to construct specific improvements that may be identified through a traffic analysis.

- a. **Board Finding:** The Board determined that traffic management was not a concern for this project. The Board noted that the City completed the Front Street reconstruction project in 2017, and that this project rectified past problems with the conditions of Front Street. The Board also noted that this project is located in an intensely developed urban area that supports a wide variety of uses. The Board found that the existing street system could support the volumes of traffic associated with this project and that the Applicant should not be required to conduct a traffic study.

5) Pedestrian and bicycle circulation. This is a key consideration for the waterfront area because of the City's Harbor Walk, the Armistice (footbridge) Bridge, and the Belfast Rail Trail. In the past 20 years that City has invested significant public funds to create a continuous public access to this waterfront area for both pedestrians and bicyclists. An applicant must identify how their proposed project will contribute to and support public access to the waterfront, including both pedestrian and bicycle use. This includes access both within the project site and to the project site via adjacent public ways. An applicant should incorporate measures in their plan to address this issue. Potential alternative approaches include measures such as payment of an off-site impact fee for public improvements in the area, or the dedication of use of private property for public access.

- a. **Board Finding:** The Board determined that the City's construction of the Harbor Walk, a public improvement that forms the 'street frontage' for this property, was specifically designed and constructed to provide for pedestrian and bicycle access along the City's working waterfront. The Board recommended that the Applicant install a bicycle rack on the property in support of bicycle use.

6) Nonresidential structure design requirements. The applicant shall carefully consider and address the orientation of the building to public roads, scenic vistas, site circulation, other buildings on the site, natural site characteristics, and surrounding properties in their proposal. All buildings shall be of a high-quality design and shall address standards identified in the Chapter 80, Intown Design Review. The goal is to encourage building and site design that enhances the visual and functional appeal of the Belfast waterfront.

- a. **Board Finding:** The Board found that the Belfast Intown Design Review Committee,

at its meeting of October 3, 2024, reviewed and supported the design proposed by the Applicant.

- 7) **Building height.** An applicant who requests flexibility in the building height standard of 35 feet that is in effect for the Waterfront Mixed Use 1 and 2 zoning districts and Waterfront Development Shoreland District shall prepare a view impact assessment that considers potential impacts of the project on public and private views. The issues to be analyzed and considered by the City in establishing a height limit for a specific property or structures on such property are listed below in order of priority. Flexibility in the height (no predetermined maximum height) is inherent in the contract rezoning process. The In-Town Design Review Committee has a key role in considering height issues as a component of overall building and site design.
- a. How has the applicant retained existing or provided new views available from public property and facilities, including roads and pedestrian/bicycle facilities. This includes how public access is provided to the proposed site.
 - b. The degree of impact the proposed project may have on public views. For example, is the view from a public facility fully obstructed, partially obstructed, or not obstructed? In addition, what elements of the public view are obstructed?
 - c. How has the applicant retained existing or provided new views available from private property?
 - d. The degree of impact the proposed project may have on private views, including the number of properties impacted and the degree to which they are impacted. For example, is the view fully obstructed, partially obstructed or not obstructed?

Applicants who prepare a visual impact assessment are strongly encouraged to use techniques and approaches that allow City boards, committees and the Council, as well as property owners and the public, opportunities to visually understand the degree of impact that a proposed increase in building height may have on a variety of views.

Board Finding: The Board found that the existing building complies with the maximum building height standard for both the Zoning District and Shoreland District and that the Applicant is not proposing an increase in the existing building height.

- 8) **Parking areas.** The amount of on-site parking that can be provided on most properties is quite limited, and is a factor that can limit the amount of use that can occur on a site. For example, few if any properties in this area could provide sufficient parking to fully accommodate the parking generated by an intensive use that typically requires large amounts of parking, such as but not limited to a large restaurant or retail use. The availability and proximity of public parking can accommodate some of the parking demand in this area, but some uses may overwhelm the availability of public parking.

Guidelines that shall be considered in determining the amount of on-site parking to require for a project include but are not limited to the following:

- a. The proximity of public parking lots and on-street parking, the amount of demand on such parking facilities, and accessibility to this parking from the applicant property.

- b. The amount, lay-out, and purpose of on-site parking that the applicant can reasonably provide. The location and design of parking areas shall be well integrated on the site in relation to other uses. At a minimum, an applicant typically would be required to provide reasonable amounts of on-site parking for proposed residences.
- c. The availability and amount (timing) of joint use private parking on the applicant site or on other private properties in the area.
- d. An applicant may pay a parking impact fee in lieu of making on-site parking improvements, with the City assuming responsibility to construct parking facilities over the long-term and using said fee to assist in the cost of constructing parking that would benefit this project and other uses in the area.
- e. An applicant can provide or financially contribute to a public transportation system to transport customers to off-site parking lots in lieu of making on-site parking improvements.
- f. Other methods of public accessibility to the site (walking) can be considered in determining the amount of on-site parking.

Board Finding: The Board found that it was impractical for the Applicant to construct or use any on-site parking mostly because of the configuration and location of the lot. The lot is rather narrow, the restaurant is located immediately adjacent to the Harbor Walk, and the lot does not have any frontage on a public street or direct access to a street. The Board also noted that the former Restaurant did not have any usable on-site parking, and that past permits issued by the Planning Board for the former Restaurant required only one on-site handicap parking space in response to City parking requirements.

While the Applicant's proposal will result in nearly 82 interior restaurant seats and 93 exterior restaurant seats; for a total of about 175 seats, the Board determined that there is adequate off-site public parking to support parking needs associated with the restaurant. The Board noted that the City added 40+ on-street parking spaces when it reconstructed Front Street, and that there are now about 80 on-street spaces. The Board also noted the presence of the Harbor Walk, and how this amenity provides a way for the public to access the restaurant from off-site parking located in the greater downtown and waterfront area.

A specific issue the Board considered was the lack of on-site handicap parking. The Board recommended that the Council consider designating two public parking spaces located directly adjacent to the Front Street Pub in Belfast Yards to be handicap spaces. These spaces would not be dedicated for the Three Tides Restaurant, but would provide handicap parking that would be readily accessible to the restaurant.

- 9) **Utilities.** The applicant shall identify the lay-out of all proposed utilities, and shall make utility services as unobtrusive as possible in this waterfront area.

Board Finding: The Board determine that the existing building was served by all utilities, and the reconstructed structure will utilize the same existing utilities, and that no changes are needed.

10) Glare/Lighting. The project shall not produce adverse impacts with regard to glare and lighting on surrounding properties and uses, including all public roads. In addition, the proposed lighting plan shall recognize the use of the waterfront, and shall not detract from views of the City in looking at it from the water. The lighting plan shall complement the character of the buildings and site, and not dominate it or the surrounding area..

Board Finding: The Board determined that the Applicant will be using minimal exterior lighting and that the proposed lighting will comply with City requirements to not create a nuisance situation on any adjacent property or any City street. The Board also noted that the Applicant must manage all lighting to lessen any adverse impacts on marine vessels in the River channel.

11) Noise. The City recognizes that this is a working waterfront area and that noise from waterfront uses; fishing, commercial and recreational boating, boat repair and building, and similar activities will occur. The intent is to ensure that a use does not produce levels of noise that cause an undue adverse impact on surrounding uses and properties. An applicant shall identify approaches that they intend to use to manage adverse noise impacts.

Board Finding: The Board found that the most frequent noise issue associated with a restaurant is entertainment, particularly music. The Board noted that a restaurant must obtain a specific license from the City Council for all entertainment, and that the City has a Noise and Public Conduct Ordinance that governs the amount of noise associated with entertainment. The Board deemed that these two City requirements would be the best methods for the City to manage potential noise concerns.

12) Odors, gases, noxious impacts. The City recognizes that this is a working waterfront area and that some noxious impacts from waterfront uses; fishing, commercial and recreational boating, boat repair and building, and similar activities likely will occur. The intent is to ensure that a use does not produce levels of odors, gases, ad noxious impacts that cause an undue adverse impact on surrounding uses and properties. These issues shall be managed to prevent adverse impacts on surrounding properties.

Board Finding: The Board found that there is some likelihood of offensive odors associated with cooking operations that will occur at the Restaurant, however, other restaurants in the area similarly cook food and have not been cited for causing offensive odors. The Board found that the amount of odors associated with operation of the Restaurant should be low.

13) Floodplain impact. Much of the waterfront area is located in either the VE or AE zone of the floodplain. Chapter 78, floodplain requirements, often impact the development of vacant land or redevelopment of existing structures. Further, the City must require an applicant to satisfy floodplain requirements and typically cannot vary Chapter 78 requirements. The intent is to encourage applicants to address floodplain requirements to the greatest extent practical, while allowing flexibility regarding issues, such as building height, to aid an applicant in satisfying these standards.

Board Finding: The Board found that the Restaurant is located in the AE zone, elevation 11. The Board found the Applicant plans to raise the First Floor by 30” in compliance with regulations in Chapter 78 Floods.

14) Stormwater management. The goal is to require an applicant to efficiently direct stormwater to available City and/or private stormwater management facilities that outlet to the River/Bay, with an emphasis on controlling erosion of the waterfront and ensuring stormwater quality. A specific concern is run-off from large parking lots directly outletting to the River/Bay. The construction of significant on-site stormwater retention and detention facilities should be discouraged in this area and more passive measures encouraged.

Board Finding: The Board found that the project has the ability to satisfy all stormwater requirements by directing all stormwater from the facility to the adjacent River, and by potentially tying some of the stormwater into the City storm drain system adjacent to the Harbor Walk. The Board determined that there was no opportunity to construct on-site detention or water quality treatment structures on the property.

15) Soils/contamination. Some sites in this area have soil contamination problems. An applicant, if warranted, must address how soil contamination will be addressed. Further, if an applicant is required to undertake extraordinary measures to address contamination issues, the City shall consider these costs and site alterations in its review of the project.

Board Finding: The Board found that the proposed renovations will result in minimal soil disturbance and that there is little likelihood that construction activities will disrupt contaminated soils. The Board also noted that the City did not observe contaminated soils in this area when it constructed the adjacent Harbor Walk and when it installed a storm drainage system adjacent to the Harbor Walk.

16) Solid waste collection and disposal. An applicant shall identify how they will collect and dispose of all wastes. If applicable, the applicant shall address how to manage litter generated on the site.

Board Finding: The Board found that the Applicant has a lease agreement with an abutting property owner for the location of a dumpster and recycling container for the management of solid wastes associated with operation of the Restaurant, and that the said facilities will be properly screened.

17) Explosive materials, chemical and fuel storage facilities, and hazardous wastes. An applicant shall ensure that the proposed development does not cause adverse impacts with regard to the use or storage of explosive materials, chemicals, fuel or hazardous wastes. A particular concern is boat repair and the interaction between this use and other uses on a site and in the surrounding area.

Board Finding: The Board found that the project will not involve the storage of explosive materials, chemicals, fuel (will be on-site propane) or hazardous wastes.

18) Performance guarantees for required improvements. The City shall determine the amount and type of performance guarantees that should be required to ensure that an applicant successfully constructs required on-site and off-site improvements, and can routinely maintain constructed improvements in the long-term.

Board Finding: The Board determined that the project does not require the posting of a performance guarantee; there are no on-site or off-site public improvements associated with renovation of the Restaurant.

- 19) **Handicap accessibility.** The Applicant shall ensure that all new project facilities fully satisfy handicap accessibility requirements. This could be a challenge for proposed uses, particularly with floodplain requirements. Contract rezoning is a tool that allows the City flexibility in establishing standards for structure and site layout so that an applicant can best address handicap accessibility concerns.

Board Finding: The Board found that there is an existing handicap accessible ramp to the existing (former) Restaurant building and the Applicant will be retaining this access. The Board also noted that specific handicap accessibility to the new upper floor restaurant seating (indoor and deck) is not required because there are similar accommodations on the lower floor and there is handicap access to this floor. The Board also made a recommendation to the City Council regarding the creation of two off-site public handicap accessible parking spaces.

- 20) **Outside storage and display.** All outside storage, including boat storage, should be well managed. The outside display of merchandise for sale is an activity that may be permitted if the proposed activity complements the area and use of the property.

Board Finding: The Board found that the Applicant does not have a significant need for outside storage or display, however, the Board noted that the former Restaurant did create issues related to outside display. The Board recommended a condition of approval to the City Council regarding measures that the Applicant must satisfy to avoid problems associated with the outside display of goods.

- 22) **Signs.** All signs shall complement the site and structure development and shall be in proportion to the structure (s). Common signage patterns within the development shall be encouraged. An applicant may exceed the sign standards identified in the Chapter 86, Signs, if such signage complements the site and surrounding area and is appropriate for the type of use of the property and the scale of the respective buildings.

Board Finding: The Applicant stated to the Board that all installed signage will comply with Chapter 86 requirements. Thus, the Board found that the project is not requesting any flexibility regarding City sign requirements.

- 23) **Phasing of project development and construction schedule.** The timing of when the project and supporting improvements, including public improvements are constructed is a critical issue in City approval of a contract rezoning application. Each contract shall include specific guidelines regarding when the project improvements must be constructed. Failure of an applicant to comply with these requirements could result in a contract rezoning ordinance amendment (agreement) being rendered void by the City Council. An applicant is responsible for providing the City clear guidance regarding the schedule of project construction, and subsequently adhering to this schedule.

Board Finding: The Board found that the proposed renovations will occur in a single phase, thus, this standard is not applicable to this project.

24) Community impact analysis. An applicant may be required to prepare an impact statement regarding the amount of impact on municipal facilities and services, the amount of tax revenue generated versus new estimated municipal expenditures, and the impact of the project on the local economy. The purpose of this impact statement is to provide the City and public information regarding potential project benefits and detriments.

Board Finding: The Board found that the proposed reconstruction project and the expansion and reopening of the former restaurant does not warrant the need to prepare a community impact analysis.

PLANNING BOARD REVIEW OF CHAPTER 102, ZONING REQUIREMENTS

The Board found that the proposed renovation and expansion of the former restaurant building and its reuse as a restaurant could comply with applicable Chapter 102, Zoning requirements, subject to the relief from certain structure setback requirements that could be granted through this Amendment #1 to the Contract Rezoning Agreement. The Board made the following specific findings regarding Chapter 102 requirements.

Permitted Uses and Dimensional Requirements.

The Planning Board determined that the Applicant project was a permitted use in the Waterfront Mixed Use 2 zoning district, reference Article V, District Regulations, Division 9, Inside the Bypass Zoning Districts, Section 102-462, Restaurants Inside Seating and Outside Seating. The Board similarly found that the proposed project could comply with dimensional requirements identified in Section 102-471, subject to the relief from the front structure setback requirement and the side structure setback requirement. The Board noted that the project complies with the rear structure setback requirement, that the amount of development complies with applicable lot coverage requirements, and that the height of the building is less than the maximum height requirement.

Performance Standards.

The Board noted that the purpose of a contract rezoning agreement is to grant an Applicant and the City flexibility in the application of performance standards identified in City Ordinances, including Chapter 102, Zoning. In a contract rezoning application, the City is to use the goal statements identified in Chapter 102, Zoning, Article X, Contract Rezoning, to manage project development, rather than to require strict compliance with all performance standards. The main performance standards in Chapter 102, Zoning that typically would apply to a project such as the Three Tides Restaurant project are included in Article VIII, Supplementary Standards, and Article IX, Division 2, Environmental Standards. The Board made the following general findings regarding project compliance with the above standards.

Article VIII, Supplementary Standards.

Division 2. The Board found that the Applicant is providing for the proper storage of solid wastes (Goal Statement 16) and outside storage (Goal Statement 20).

Division 3. The Board found that the Applicant is able to rely upon off-site public parking to address parking needs for the Restaurant, and that no on-site parking is required (Goal Statement 8).

Article XI, Division 2 Environmental Standards

Sec. 102-1122. Subsurface Wastewater Disposal. Not applicable. Board found that the project is on public sewer.

Sec. 102-1123. Erosion Control. The Board found that the Code Enforcement Officer will determine the need for on-site erosion control during project construction.

Sec. 102-1124. Stormwater Run-off. Reference Board Finding on Goal Statement 14.

Sec. 102-1125. Waste Water Pollution. The Board found that the project will be connected to public sewer and that the sewer connection will allow effective waste water management.

Sec. 102-1126. Air Pollution. The Board found that the project should not cause air pollution.

Sec. 102-1127. Odors. The Board found that the project should not generate offensive odors; reference finding on Goal Statement 12.

Sec. 102-1128. Glare. The Board found that the project lighting should not cause glare beyond the lot line; reference Board finding on Goal Statement 10.

Sec. 102-1129. Noise Abatement. The Board found that the project will be required to comply with requirements of the City Noise and Public Conduct Ordinance, and obtain City licenses for outside entertainment; reference Board finding on Goal Statement 11.

Sec. 102-1130. Gravel Extraction. The project does not involve gravel extraction.

Sec. 102-1131. Standards for Heating Systems. The Board found that the City Code Enforcement Officer will be responsible for ensuring the project complies with MUBEC requirements.

Section 102-1132. Standards for Burning. The project does not involve the use of bum barrels.

Sec. 102-1133. Timber Harvesting. The project does not involve timber harvesting.

Sec. 102-1134. Wetlands. The Board found that there are no on-site wetlands.

Sec. 102-1135. Flood Plains. The Board found that the Applicant can comply with Chapter 78, Flood, requirements; reference Goal Statement 13.

Sec. 102-1136 Soils. The Board found that the on-site soils are adequate for the construction of the building and accompanying infrastructure; reference Board finding on Goal Statement 15. The Board also noted that on-site soils were adequate to support the construction of the existing Restaurant building.

PLANNING BOARD REVIEW OF CHAPTER 78, FLOOD, REQUIREMENTS

The Planning Board determined that the project is located in the AE zone of the flood zone, elevation 11. The Board determined that the proposed development can comply with requirements of Chapter 78, Floods, and noted its recommended condition of approval to the City Council that the Applicant be required **to raise the First Floor by 30” to be in compliance with regulations in Chapter 78 Floods**; reference Board finding on Goal Statement 13. The City Code Enforcement Officer will be responsible for the review and issuance of a specific flood permit.

PLANNING BOARD REVIEW OF CHAPTER 80, INTOWN DESIGN REVIEW

Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland Districts requires the Intown Design Review Committee to review and make a recommendation to the Planning Board and City Council regarding the proposed design of an Applicant’s project. **The Planning Board found the Intown Design Review Committee conducted its review of this project at its meeting of October 3, 2024, and that the Committee made a recommendation to the Planning Board and City Council to approve the plans as presented by the Applicant.** The Planning Board voted to support the recommendations of the **Intown** Design Review Committee.

PLANNING BOARD REVIEW OF CHAPTER 82, SHORELAND REQUIREMENTS

The Planning Board found that the proposed renovation and expansion of the former Restaurant building and its reuse as a restaurant could substantially comply with City requirements with applicable Shoreland standards. The Board considered the Article IV District standards and the Article V, Land Use Standards, in making this determination; reference the Board's specific Findings below.

The Board found that the property is located in the Waterfront Development Shoreland District. This Shoreland District allows commercial uses and a restaurant is considered a commercial use; reference Article 4, Section 82-135.

The Board made the following findings with respect to the Article V, Land Use Standards:

Div 2. Minimum Lot Size.

The lot does not satisfy the minimum lot size standard for the Waterfront Development Shoreland District. The lot is smaller than the City standard and it does not have an

adequate amount of shore frontage. The Board determined that the property is a nonconforming lot of record and that it can be developed for a commercial use.

Div 3. Structures.

The Board found that the proposed expansion of the building in which the Restaurant is located complies with the following standards: the maximum amount of lot coverage (100% allowed), the height of the building (35 feet to peak of building), and the amount of setback from the high water mark (zero setback required). The Board also noted that this project does not involve the construction of a pier. Further, the Board found that this standard authorized the use of contract rezoning to consider dimensional requirements in the Shoreland Zone.

Div 4. Campgrounds.

The Board found that this project does not involve a campground.

Div 5. Commercial and Industrial Use.

The Board found that commercial uses are allowed in the Waterfront Development Shoreland District.

Div 6. Parking Areas.

The Board found that this standard does not apply because there is no road or driveway construction proposed for this project.

Div 7. Roads and Driveways.

The Board found that this standard does not apply because there is no road or driveway construction proposed for this project.

Div 9. Storm Water Run-off.

The Board determined that the Applicant can adequately manage stormwater; reference Board finding on Goal Statement I4.

Div 10. Utilities.

The Board found that the project is served by all existing utilities; reference Board finding on Goal Statement 9.

Div 11. Mineral Exploration and Extraction.

The Board found that the project does not involve mineral exploration or extraction activities.

Div 12. Agriculture.

The Board found that the project does not involve agricultural activities.

Div 13. Erosion & Sedimentation Control.

The Board found that the project will use adequate measures to manage erosion and sedimentation control pursuant to direction by the Code Enforcement Officer.

Div 14. Natural Resources.

The Board found that the proposed development will provide adequate protection for soils and water quality. Board noted that the project is on public sewer.

Div 15. Archeological Sites.

The Board found that this is not an archeological site or historic structure.

BOARD REVIEW OF CHAPTER 90, SITE PLAN REQUIREMENTS

The proposed project typically would require a Minor Site Plan Permit because the amount of development is greater than 3,000 square feet in size. Pursuant to provisions of the Chapter 102, Zoning, Article X, Contract Rezoning Ordinance, the Board is to use the Goal Statements in Section 102-1454 to manage overall project development, but is still required to determine if the project generally complies with other applicable Ordinance requirements. The main provisions of Chapter 90, Site Plan that apply are the Section 90-43, Criteria for Planning Board Review. The Board made the following general findings regarding project compliance with applicable Site Plan criteria.

90-43(b)(1) Pollution: The Board found that the project will not cause any significant water or air pollution concerns

90-42(b)(2) Sufficient Water & 90-43(b)(3) Municipal Water Supply: The Board found that there is public water on Front Street and that the former Restaurant was connected to public water.

90-43(b)(4) Soil Erosion and Sediment Control: The Board found that the project (construction) will not result in adverse soil erosion and sedimentation problems and that the CEO will manage erosion control measures.

90-43(b)(S) Highway or Public Road Congestion: The Board found that the project will not result in congestion on any public road; reference Board finding on Goal Statement 4.

90-43(b)(6) Sewage Waste Disposal: The Board determined that the City sewer system has adequate capacity at the Wastewater Treatment Plant and on Front Street to accept the increased amount of sewer flow from the expanded restaurant. The City also reconstructed the Front Street sewer line in 2017.

90-43(b)(7) Municipal Solid Waste and Sewage Waste Disposal: The Board found that the City Wastewater Treatment Plant has adequate capacity to treat the wastewater flow from this project. The Board also found that the Applicant will be using a dumpster to collect and dispose of solid wastes.

90-43(b)(8) Aesthetic, Cultural and Natural Values: The Board found that the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat identified by the state department of inland

fisheries and wildlife or the City as rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. The Board noted that this project is located in an urban area in which the City allows intensive nonresidential development. Further, the Board found that the area is not a historic site or a significant wildlife area, and that the project will not adversely affect any public access rights to the shore.

90-43(b)(9) Conformity with City Ordinances & Plans: The Board found that the project is consistent with the 2024 Zoning Ordinance amendments that the City adopted to implement the Future Land Use Plan in the City's adopted Comprehensive Plan, as well as overall direction in the Future Land Use Plan (Comp Plan) for the working waterfront land use area. The Board also found that the project complies with City Zoning requirements for the Waterfront Mixed Use 2 zoning district; reference these Board findings.

90-43(b)(10) Financial & Technical Ability: The Board found that the Applicant has both the financial and technical ability to develop this project. WhiteCAP Builders has constructed numerous projects in Belfast and the company can secure the financing to construct the proposed renovations.

90-43(b)(11) Surface Waters: The Board found that the proposed renovations to the Restaurant will not have an adverse impact on the water quality of the adjacent Passagassawakeag River.

90-43(b)(12) Ground Water: The Board found that the proposed development will not, alone or in conjunction with existing development in the area, adversely affect the quality or quantity of groundwater or any public or private water source. The Board noted that all development in this area is connected to public water, and that the proposed development is not located in a sand and gravel aquifer area.

90-43(b)(13) Flood Areas: The Board determined that the proposed project will comply with applicable Flood Zone requirements; reference Board finding on Goal Statement 13.

90-43(b)(14) Freshwater Wetland: The Board determined that there are no on-site wetlands.

90-43(b)(15) River or Stream: The Board found that the proposed development is located adjacent to the Passagassawakeag River.

90-43(b)(16) Storm Water: The Board found that the Applicant can satisfactorily address stormwater impacts; reference Board finding on Goal Statement 14.

90-43(b)(17) Access to Sunlight: The Board found that the proposed three-story building will not adversely affect any abutting property owner's access to sunlight.

90-43(b)(18) Solid Waste Management: The Board found that the applicant will use an acceptable means to collect and dispose of solid wastes and recyclables; reference Board finding on Goal Statement 16.

90-43(b)(19) Exterior Lighting: The Board found that the applicant will be installing adequate lighting to meet project needs and to satisfy City standards regarding glare; reference Board finding on Goal Statement 10.

90-43(b)(20) Buffering of Adjacent Uses: The Board found that the City does not require on-site plantings to buffer adjacent uses in this urban intensively developed area.

90-43(b)(21) Noise: The Board determined that project operations can comply with City noise standards; reference Board finding on Goal Statement 11.

90-43(b)(22) Storage of Materials: The Board found that the Applicant can comply with City requirements regarding outside storage; reference Board finding on Goal Statement 20.

90-43(b)(23) Landscaping: The Board found that the City does not require specific landscaping on properties in the Waterfront Mixed Use 2 Zoning District and the Waterfront Development Shoreland District.

90-43(b)(24) Buffering of Residential Uses: The Board determined that this standard does not apply. There are no specific buffering standards that apply to properties in the Waterfront Mixed Use 2 Zoning District or the Waterfront Development Shoreland District.

90-43(b)(25) Location of Off-Street Parking: The Board found that the Applicant is not required to provide any on-site parking; reference Board finding on Goal Statement 8.

90-43(b)(26) Hazardous Waste: The Board found that the Applicant project will not result in the generation of hazardous waste.

90-43(b)(27) Prevention or Control of Air Pollution: The Board found that the proposed project will not result in air pollution.

90-43(b)(28) Public Health and Safety: The Board found that the proposed project will not adversely impact the public health and welfare.

90-43(b)(29) Adequacy of waste disposal: The Board found that the applicant is instituting appropriate approaches to manage the collection and disposal of wastes generated on the site; reference Board finding on Goal Statement 20.

90-43(b)(30) "Development that may Substantially Affect the Environment". The Board determined that the Three Tides Restaurant renovation project does not qualify as a project that would have a substantial impact on the environment.

PLANNING BOARD REVIEW OF CHAPTER 98, TECHNICAL STANDARD REQUIREMENTS

Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use 2 Zoning Districts and Waterfront Development Shoreland District identifies that the City is to use construction standards identified in the Chapter 98, Technical Standards to guide the construction of project infrastructure. The Planning Board found that the existing site is connected to all public utilities, that the project does not involve the construction of any streets or on-site parking, and that no specific stormwater improvements are required. Thus, the Planning Board found that the Chapter 98, Technical Standards, have minimal applicability to this project.

PLANNING BOARD RECOMMENDATION

The Belfast Planning Board, at its meeting of November 13, 2024, found that the proposal by WhiteCAP Builders, Daniel Waldron, President (hereinafter Applicant), on behalf of Maia Properties LLC, to reconstruct and expand the former Three Tides Restaurant located at 2 Pinchy Lane, Map 11, Lot 141 B, is consistent with requirements stipulated in City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District. Further, the Board determined that the project complies with applicable requirements in Chapter 102, Zoning, Chapter 78, Floods, Chapter 80, Intown Design Review, Chapter 82, Shoreland, Chapter 90, Site Plan, and Chapter 98, Technical Standards. The Planning Board, at its meeting of November 13, 2024, voted to recommend that the Belfast City Council approve WhiteCAP Builders, Daniel Waldron, President (hereinafter Applicant), on behalf of Maia Properties LLC, request for an Amendment #1 to the Contract Rezoning Agreement, subject to Applicant compliance with the Attachment A, Conditions of Approval recommended by the Board. The Board also adopted its recommended Conditions of Approval at its meeting of November 13, 2024.

The Planning Board, at its meeting of November 13, 2024, approved these Findings of Fact to describe its decision, and authorized Bub Fournier, Director, Planning and Codes, to sign the Findings on its behalf.

On Behalf of the Planning Board,

Bub Fournier
Director, Planning and Codes

Dated

**ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL
RECOMMENDED BY BELFAST PLANNING BOARD
AS REVIEWED, **AMENDED AND ADOPTED**
BY BELFAST CITY COUNCIL**

**MAIA PROPERTIES, LLC
THREE TIDES RESTURANT
2 PINCHY LANE – MAP 11, LOT 141-B
CONTRACT REZONING AGREEMENT
AMENDMENT#1**

1. Applicant:

Maia Properties, LLC
15 Evergreen Ridge Road
Belfast, ME 04915

2. Description of Property and Project:

WhiteCAP Builders, Daniel Waldron, President (hereinafter Applicant), on behalf of Maia Properties LLC, owner of the former Three Tides Restaurant property located at 2 Pinchy Lane, Map 11, Lot 141B, is proposing to reconstruct and expand the existing building to re-establish its use as a restaurant. The Applicant is proposing to demolish the current building, saving the foundation for future re-use, and building a new structure that captures the visual essence of the surrounding buildings. Like the former building, the new structure will serve as a bar, restaurant and beer garden and will be 3 stories tall. The newly constructed building will include: a ground level consisting of storage, cold storage, toilets and waterfront assembly & seating space; the second story will consist of a kitchen, bar, toilets, and indoor & deck seating; and the third story will consist of a service bar, toilets, storage, and indoor & deck seating. Access to the property will be via Pinchy Lane, Front Street, and the Harbor Walk.

The Three Tides Restaurant and accompanying improvements have been located on this property since 2002. The property is 9,583 square feet in size (.22 acres) and it has 105.4 ft of frontage on the city-owned Belfast Harbor Walk, and it has 66 feet of shore frontage. While the address of this property is 2 Pinchy Lane, the property does not have any street frontage on the nearest street, Marshall Wharf. The property owner and former operators of the Three Tides Restaurant have used Marshall Wharf to provide vehicular access to the property.

3. Description of City Actions:

- 3.1 The City Council, at its meeting of July 21, 2020, reviewed all requirements in the City Code of Ordinances, Chapter, 102, Zoning, Article X Contract Rezoning, Division 4, Waterfront Mixed Used Zoning Districts and Waterfront Development Shoreland District, reviewed the recommendations by the Belfast Planning Board and Intown Design Review Committee, and voted to approve the issuance of Contract Rezoning Agreement Amendment #1 to the Applicant.
- 3.2 The Planning Board, at its meeting of November 13, 2024, acknowledged that the Belfast Design Review Committee met on October 3, 2024, to review the Applicant proposal pursuant to Step 2 of the Contract Rezoning process pursuant to Step 2 of the Contract Rezoning process, and that the Committee prepared its recommendation to the Planning Board. The Planning Board and City Council, as identified in these Conditions (Condition 6), supported the recommendations of the Design Review Committee.
- 3.3 The Planning Board, at its meeting of November 13, reviewed all requirements in the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use zoning districts and Waterfront Development Shoreland district, Chapter 90, Site Plan, Chapter 82, Shoreland, Chapter 78, Floods, and applicable Chapter 98, Technical Standards, and found that the proposed project complied with applicable requirements. The Board, at its meeting of November 13, 2024 adopted these proposed Conditions of Approval, Attachment A, and unanimously voted to recommend Council consideration of these Conditions of Approval. The Board, at its meeting of November 13, 2024, adopted Findings of Fact to describe its action on the Contract Rezoning Agreement Amendment #1 application.
- 3.4 The City Council, at its meeting of December 3rd, 2024 conducted the First Reading of the proposed Amendment #1 to the Contract Rezoning Agreement, and at this same meeting considered the recommendations of the Belfast Design Review Committee and Belfast Planning Board. The Council voted to accept the draft Agreement, subject to amendments adopted by the Council, at the First Reading and voted to schedule the Agreement for Second Reading and public hearing at the Council meeting of [---date to be determined---].
- 3.5 The City Council, at its meeting of [---date to be determined---], conducted a public hearing on the Second Reading of the Applicant proposal pursuant to Step 4 of the Contract Rezoning process. The Council found that the Code and Planning Department provided the required public notice of the public hearing to abutting property owners, and that the Department advertised notice of the hearing in the Midcoast Villager and posted such on the City website.

3.6 The City Council, at its meeting of [----date to be determined----], reviewed all requirements in the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland District, reviewed the recommendations of the Belfast Planning Board and Design Review Committee, and voted to approve the issuance of a Contract Rezoning Agreement to the Applicant. Issuance of the Contract Rezoning Agreement is subject to Applicant compliance with these Attachment A, Conditions of Approval. This Agreement grants the Applicant relief from certain structure setback requirements; reference Attachment A, Conditions of Approval. Further, the terms of this Contract Rezoning Agreement Amendment #1 shall replace and supersede terms of Use Permits and Site Plan Permits granted to David and Sarah Carlson, past owners and operators of the Three Tides Restaurant.

4. City/Planning Board Determination of Project Compliance with Use and Dimensional Requirements for the Waterfront Mixed Use 2 Zoning District and Waterfront Development Shoreland District, and Amendments to the City Ordinance Requirements Pursuant to this Contract Rezoning Agreement.

The Planning Board and City Council determined that the property is located in the Waterfront Mixed Use 2 Zoning district and the Waterfront Development Shoreland district. This Zoning district and Shoreland district allow a property owner/applicant to voluntarily request the award of a contract rezoning agreement. The Applicant has chosen to pursue a contract rezoning agreement to obtain a reduction in the amount of structure setback required for the Waterfront Mixed Use 2 zoning district from certain lot lines. More specifically, the lot line adjacent to the City owned Belfast Harbor Walk right-of-way, and a western side lot lines with the adjacent property owned by John Holmes that is leased by the Front Street Shipyard. The proposed layout and structure setbacks of the reconstructed restaurant is described in modified Site Plan dated 10-17-24 entitled "Site Plan, Lands of MAIA Properties, LLC and Mena F. Holmes, Marshall Wharf Road, Belfast, Maine, prepared by Good Deeds". Said Site Plan is incorporated as the approved Site Plan for this Contract Rezoning Agreement Amendment #1.

4.1 Waterfront Mixed Use Zoning District Standards.

Permitted Uses:

The Applicant proposes to use the property as a restaurant. The Planning Board and City Council determined that a restaurant with indoor seating and a restaurant with outdoor seating are permitted uses in the Waterfront Mixed Use 2 zoning district; reference Section 102-461, 72) and 73). Any request by the Applicant to change the use of the property from a restaurant (indoor and outdoor seating) or to increase the number of seats (currently

about 175 seats) by 25 or more seats shall require the review and approval of the Belfast Planning Board as an amendment to this Contract Rezoning Agreement Amendment #1. The City Council, in its adoption of this Contract Rezoning Agreement Amendment #1, specifically authorized the Planning Board to consider and act on any proposal from the Applicant for a change of use, or an expansion in the number of seats in the restaurant, and to not require the further review and approval of the City Council of such a request as an amendment to this Contract Rezoning Agreement Amendment #1.

Minimum Lot Size:

The Belfast Planning Board and City Council determined that the minimum lot size standard for the Waterfront Mixed Use 2 zoning district is 20,000 sq ft for a nonresidential use [reference Sec 102-471 1)k], and that the minimum street frontage requirement is 200 lineal feet for a property that has shore frontage [reference Sec 102-471 2)b]. Pursuant to Footnote 3 of the Dimensional Table for the Waterfront Mixed Use 2 zoning district, the Planning Board and City Council determined that the property, Map 11, Lot 141B, is a nonconforming lot of record for a nonresidential use.

Any request by the Applicant to increase the size of this nonconforming lot of record shall require the review and approval of the Belfast Planning Board. The City Council, in its adoption of this Contract Rezoning Agreement Amendment #1, specifically authorized the Belfast Planning Board to consider and act on any request from the Applicant to increase the size of the lot, and to not require review of such a request by the Council as an amendment to the approved Contract Rezoning Agreement Amendment #1.

Any request by the Applicant to decrease the size of the lot or the amount of street frontage for the lot, either of which would result in making the lot more nonconforming, shall require the review and approval of both the Belfast Planning Board and the Belfast City Council as an amendment to the approved Contract Rezoning Agreement Amendment #1.

Structure Setbacks.

The Planning Board and City Council determined that the Dimensional Table for the Waterfront Mixed Use 2 Zoning district, Section 102-471, identifies the amount of structure setback for nonresidential structures.

- a. Front Setback. **Subsection 3) c.** identifies a front structure setback requirement of 10 feet from a property line. The City Council reviewed the potential option presented by the Planning Board and voted to allow a front structure setback of 1'-4" from the edge of the Harbor Walk right-of-way (both structure and building eaves); and the southern elevation of the stair core encroaches upon the town right of way a

maximum of 2'-5" at its most, tapering down to about 2'-1" at its least. The amount of allowed encroachment into the Harbor Walk right-of-way is depicted on the modified site plan dated 10-17-2024 entitled "Site Plan, Lands of MAIA Properties, LLC and Mena F. Holmes, Marshall Wharf Road, Belfast, Maine, prepared by Good Deeds".

- b. Side Setback. Subsection 4) c. identifies a structure setback requirement of 5 feet from the side property line. The Applicant is proposing to expand the footprint to create a new commercial kitchen and walk-in cooler adjacent to the northerly and westerly side lot line (common property lines with the adjacent Holmes property). This structure would be setback between 4'-6' at its narrowest point from the west side property line closest to the Harbor Walk. At the Northeast interior corner of the building, there is a zero setback from the property line at its narrowest point, extending North approximately 9' to accommodate the exterior stair landing (no roof over this), and at this same corner, the setback to the building (at the roof dripline) is 3" at its narrowest point, gradually increasing to about 2'-1".
- c. The City Council voted to allow a tapered to zero setback from the side lot line for the commercial kitchen/cooler expansion, provided that the footprint and eaves of the expanded structure are located on property owned by the Applicant. The amount of structure setback shall comply with how it is depicted on the modified site plan dated 10-17-2024 entitled "Site Plan, Lands of MAIA Properties, LLC and Mena F. Holmes, Marshall Wharf Road, Belfast, Maine, prepared by Good Deeds". Any request by the Applicant to increase the size of the structure within the minimum side setback area of 5 feet shall require the review and approval of both the Belfast Planning Board and the Belfast City Council as amended to the approved Contract Rezoning Agreement Amendment #1.

Structure Expansions that Conform to Setback and Building Height Requirements.

If the Applicant submits a request to expand the size of the structure, and the proposed expansion complies with all structure setback and building height requirements that are in effect for the Waterfront Mixed Use 2 zoning district, the City Council, through this Condition of Approval, authorizes the Belfast Planning Board to review and act on the proposed expansion, and that determined the such a request does not require review by the City Council as an amendment to this Contract Rezoning Agreement Amendment #1.

4.2 Waterfront Development Shoreland Zone.

Permitted Uses. The Applicant proposes to use the property as a restaurant. The Planning Board and City Council determined that a restaurant is a

commercial use and that Section 82-135, Table of Uses for the Shoreland zone, allows commercial uses in the Waterfront Development Shoreland district. Any request from the Applicant to change the use of the property from a restaurant, or to increase the number of seats in the restaurant by **25 or more seats** (currently **175 seats**) shall require an amendment to this Contract Rezoning Agreement Amendment #1. The City Council, in its adoption of the Contract Rezoning Agreement Amendment #1, specifically authorized the Planning Board to consider and act on either of the above requests and to not require City Council review and approval of this type of requested amendment.

Minimum Lot Size: The Belfast Planning Board and City Council determined that the minimum lot size standard for the Waterfront Development Shoreland district for a commercial use is 40,000 square feet and 200 feet of shore frontage; reference Section 82-181. Map 11, Lot 141B does not satisfy either of these requirements, thus, the Board and Council determined that the property is a nonconforming lot of record.

Any request by the Applicant to increase the size of this nonconforming lot of record shall require the review and approval of the Belfast Planning Board. The City Council, in its adoption of this Contract Rezoning Agreement Amendment #1, specifically authorized the Belfast Planning Board to consider and act on any request from the Applicant to increase the size of the lot.

Any request by the Applicant to decrease the size of the lot or the amount of shore frontage for the lot, either of which would result in making the lot more nonconforming, shall require the review and approval of both the Belfast Planning Board and the Belfast City Council as an amendment to the approved Contract Rezoning Agreement Amendment #1.

Structure Expansions that Conform to Setback, Building Height, Lot Coverage and Shore Setback Requirements.

If the Applicant submits a request to expand the size of the structure, and the proposed expansion complies with all building height, lot coverage and shore setback requirements that apply to the Waterfront Development Shoreland district, the City Council, through this Condition of Approval, authorizes the Belfast Planning Board to review and act on the proposed expansion, and to not require review of such a proposal by the City Council as an amendment to this Contract Rezoning Agreement Amendment #1.

5. ON-SITE and OFF-SITE PARKING.

The Planning Board and City Council decided that the Applicant is not required to provide any on-site parking for the current proposal, a 175-seat restaurant (**93 total exterior seating (30 seats on ground level, 36 seats on bar level, and 27**

seats on second floor; all seasonal deck seating), and 82 total interior seating (32 seats on bar level, 50 seats on second floor level). The Planning Board and Council determined that the Applicant could obtain adequate parking for patrons of the restaurant by the use of off-site public parking. The City also recognized that the Applicant may have a greater number of patrons at the restaurant who do not have a seat; standing customers.

This Condition grants the Applicant the right to establish the 175 seats currently proposed, and to increase the number of seats by 25 or less (total of 200 seats) without any further review and approval by the City. Any request by the Applicant to increase the number of seats to 200 or more, shall require the review and approval by the Planning Board as an amendment to this Contract Rezoning Agreement Amendment #1. The City Council specifically authorized the Planning Board to act on a request to increase the number of seats to 200 or more and to not require City Council review of any such proposed amendment.

The City Council also identified its intent to designate (convert) two of the current paved public parking spaces located in Belfast Yards and adjacent to the side of the Front Street Pub property as handicap accessible parking. Said handicap parking would not be devoted exclusively to the use by patrons of the Three Tides Restaurant (it would be available to all), however, it would help to provide some handicap parking within reasonable proximity to the Three Tides Restaurant. The Applicant is not responsible for providing any on-site or off-site handicap accessible parking if the City does not create this intended parking.

6. BUILDING APPEARANCE.

The Planning Board and City Council determined that the exterior of the existing building and the new additions to the building must substantially comply with the building elevation drawings prepared by WhiteCAP Builders that were reviewed and recommended by the Belfast Intown Design Review Committee at its meeting of October 3rd, 2024, reference drawings dated September 16, 2024, a copy of which are on file at the Code and Planning Department offices.

The City Council, as a condition The City Council, as a condition of this Contract Rezoning Agreement Amendment #1, determined that any substantive change in the approved building design shall require the review and approval of the Design Review Committee pursuant to requirements of the City Code of Ordinances, Chapter 80, Intown Design Review, and that said types of proposed changes would not require review as an amendment pursuant to the contract rezoning process, unless such are proposed as part of an application that would require the review of the City Council or Planning Board as an amendment to this Contract Rezoning Agreement Amendment #1. As such, the Design Review Committee would review and act on a permit request through the standard process identified in Chapter 80, and would have the authority to approve or deny a proposed change.

7. UTILITIES.

The existing building is connected to all public services and no specific improvements are proposed or required. A request to install new utilities or alter the existing location of any utilities shall be subject to review and approval by the Code Enforcement Officer and shall not require review by the Planning Board or City Council as an amendment to this Contract Rezoning Agreement Amendment #1.

8. SEWER USE FEES.

The Applicant is proposing an increase in the number of seats at the restaurant, by **33 seats**. Pursuant to the City Sewer Connection and Use Policy, as such was amended in 2017, the Applicant, prior to issuance of an Occupancy Permit, shall pay the City the attendant fee associated with the increase in the amount of sewer effluent generated by the expanded use. The Applicant shall submit the required application to the Code Enforcement Officer to determine the amount of fee that must be paid. Further, any future increase in the number of seats may require the Applicant to pay an additional sewer usage fee.

9. GLARE-LIGHTING.

No exterior lighting shall cause glare on an adjacent property, a public street or the Harbor Wall. All on-site lighting shall be down-directed (less than 3000k, full cut-off) to minimize the likelihood of offensive glare, and no on-site lighting shall cause glare that would adversely affect navigation on the adjacent River. The installation of any and all exterior lighting, such as the type and location of any fixture, and type of light source, shall be subject to the review and approval of the Code Enforcement Officer and shall not require review by the Planning Board or City Council as an amendment to this Contract Rezoning Agreement Amendment #1.

10. NOISE.

Restaurant, and any music/entertainment that performs at the Restaurant, shall comply with all requirements of Chapter 34, Miscellaneous Offenses, Article II, Noise and Public Conduct, of the City Code of Ordinances, as such Ordinance may be amended from time to time, and shall obtain any and all required City licenses to offer music/entertainment. Further, if the Applicant proposes any exceptions to said requirements for a specific event that may be operated on the premises, the Applicant shall obtain the approval of the City Council to host such an event.

11. SOLID WASTE.

The Applicant proposes to manage the collection and disposal of solid wastes by leasing an off-site area owned by 48 Marshall Wharf, LLC (Map 11, Lot 141) for the location of a dumpster and recyclable containers. The Applicant is

responsible for the regular collection of all wastes, for depositing all wastes in the off-site dumpster/recyclable containers, and for ensuring that the dumpster area is well maintained and kept free of litter. Further, the Applicant must ensure that the dumpster/waste collection area complies with all City requirements regarding screening; reference Chapter 102, Zoning, Article VIII, Supplementary Performance Standards.

The Applicant shall take all reasonable measures to minimize, to the greatest extent practical, attracting rodents to the site by using good quality practices to manage all wastes.

If the Applicant proposes to change the location of the waste collection area or the method of collecting and disposing of wastes, the Applicant shall obtain the review and approval of the Belfast Code Enforcement Officer regarding said change. Said change shall not require an amendment to this Contract Rezoning Agreement, however, the Code Enforcement Officer may choose to consult with the Belfast Planning Board regarding the review of a proposal to amend the method or location for the collection and disposal of solid wastes and recyclables.

12. FLOOD PLAIN REQUIREMENTS.

The Applicant is subject to compliance with Chapter 78 Floods; Code Enforcement Officer will review compliance with regulations and work with Applicant to ensure compliance with regulations set forth in Chapter 78 Floods.

13. STORMWATER.

The City requires that all stormwater be directed away from all adjacent properties, including the City Harbor Walk, and that the Applicant take appropriate measures to direct all stormwater to the adjacent River. This Condition, however, shall not preclude the opportunity for the Applicant to tie stormwater from the roof into the City storm drain system adjacent to the Harbor Walk if said connection is approved by the Public Works Director. The Code Enforcement Officer (and potentially the Public Works Director) shall be responsible for the review and approval of all construction plans to ensure that this standard is addressed. If stormwater from the site, particularly the new construction, does flow or adversely impact an adjacent property, the Applicant shall take any and all appropriate measures to address this problem.

14. BICYCLE RACK.

The Applicant, prior to issuance of an Occupancy Permit, shall be required to install an on-site rack/facility to support bicycle use. The City Code Enforcement Officer, pursuant to this Condition, is authorized to approve the final location of the bicycle rack.

15. HANDICAP ACCESSIBILITY.

The main floor of the former Restaurant and all proposed renovations satisfy handicap accessibility concerns; there is a handicap accessible ramp to the main floor, and the existing restrooms satisfy accessibility standards. The City, in issuing this Contract Rezoning Agreement Amendment #1, recognizes that the Applicant is not required to provide handicap accessible improvements to the new upper floor of the restaurant because the main floor of the restaurant offers similar accommodations. The Applicant shall be required to obtain a Barrier Free Permit from the State Fire Marshall Office.

16. OUTSIDE STORAGE.

The Applicant shall not store goods, materials, equipment and similar objects outside of the Restaurant building, and shall not store any goods, materials, equipment or similar objects between the Restaurant building and the Harbor Walk. All goods, materials equipment and similar objects shall be stored inside the building or shall be properly screened from public view. Chapter 102, Zoning, Article VIII, Supplementary District Regulations, prohibits Outside Storage that is not properly screened.

17. SIGNS.

On-site signage shall comply with the Sign provisions that apply to the Waterfront Mixed Use 2 zoning district. The Applicant shall obtain the required permit from the Code Enforcement Officer for any on-site signage.

18. PERMIT ISSUED TO APPLICANT – CHANGE IN OWNERSHIP.

Prior to the issuance of Prior to the issuance of an Occupancy Permit for the construction identified in this application, this Contract Rezoning Agreement Amendment #1 issued to the Applicant is granted specifically to the Applicant, and is not transferrable or assignable to any other party without the specific review and approval of the Belfast Planning Board as an amendment to this Contract Rezoning Agreement Amendment #1. The role of the Planning Board is to determine if the new Applicant/Owner has the financial and technical ability to satisfy requirements of this Contract Rezoning Agreement Amendment #1. Said review of the Planning Board shall occur within 30 days for a request in a change of ownership, and approval of said transfer shall not be unreasonably withheld. The City Council authorized the Planning Board to act on such a change of ownership without further review and approval by the City Council.

Post issuance of an Occupancy Permit, a request for a transfer in ownership of the Agreement shall be subject to the review and approval of the City Code Enforcement Officer, who shall consult with the City Manager and City Attorney in the review of the request for a transfer of this Agreement. Said review of the Code Enforcement Officer shall occur within 30 days for a request

in a change of ownership, and approval of said transfer shall not be unreasonably withheld.

This Condition modifies the established procedures to consider a transfer of this Agreement that are identified in Clause 8), Assignment, of this Contract Rezoning Agreement Amendment #1 between the Applicant and the City.

19. OCCUPANCY PERMITS.

The City shall use the issuance of an Occupancy Permit as the main form of performance guarantee to ensure that the Applicant satisfies all City requirements prior to use and occupancy of the building. The Code Enforcement Officer shall be responsible for determining if an Occupancy Permit should be issued.

20. NON-CITY (OTHER) PERMITS.

The Applicant shall provide the City Code Enforcement Officer a copy of all permits that may be required and that it obtains from any state or federal (non-City) agencies. If a state or federal permit applies to improvements involved with the issuance of a City building, demolition or similar permit, the Applicant shall obtain said permits prior to the issuance of a City permit.

The Applicant shall abide by terms of all state and federal (non-City) permits that are required for this project. If any conditions or requirements imposed by state or federal agencies differ or conflict with requirements established by the City, the Applicant shall inform the City of said conflicts and shall work with the City to resolve the conflict. This could require an amendment(s) to the City permits and this Contract Rezoning Agreement Amendment #1.

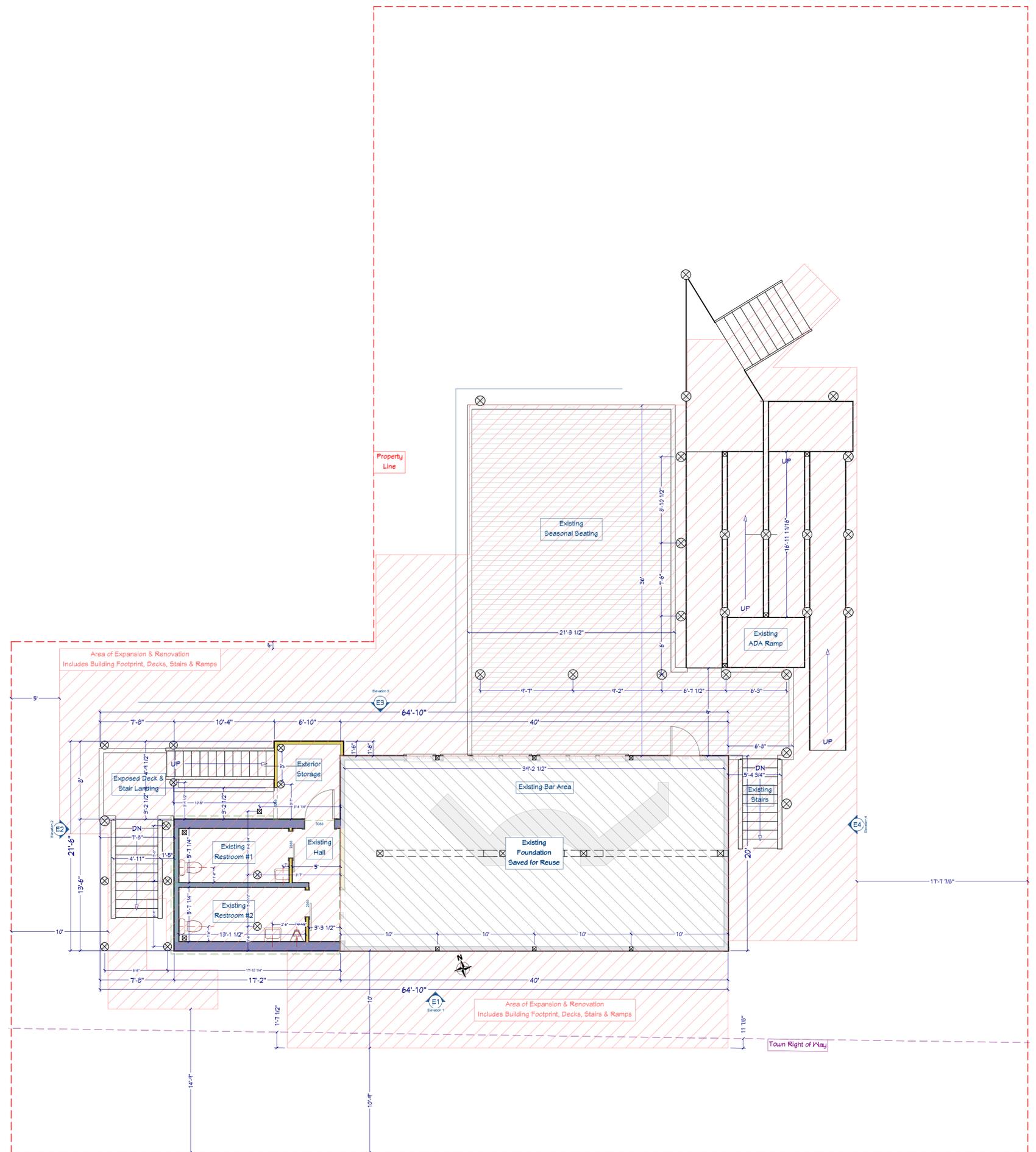
The Applicant shall inform the City Code Enforcement Officer of orders regarding project construction or compliance that may be issued by other agencies, and describe the action performed by the Applicant to comply with the respective order.

2 Pinchy Lane, Belfast Maine

Three Tides - Contract Rezoning Agreement Amendment #1

Proposed Area for Handicap Parking Spaces





MAIA Properties, LLC., 3 Tides
 2 Pinchy Lane, Belfast, ME 04915
 Map 11 / Lot 141-B

WHITECAP BUILDERS
Building Community Since 1980
 15 Evergreen Ridge Rd., Belfast, ME 04915 207-338-3112

Existing Site Plan &
 New Structure Outline

Date:

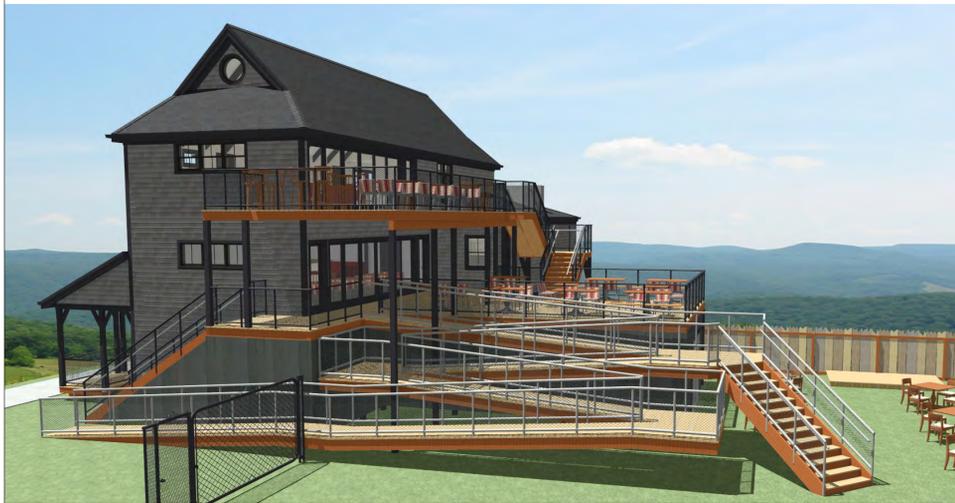
10/17/2024

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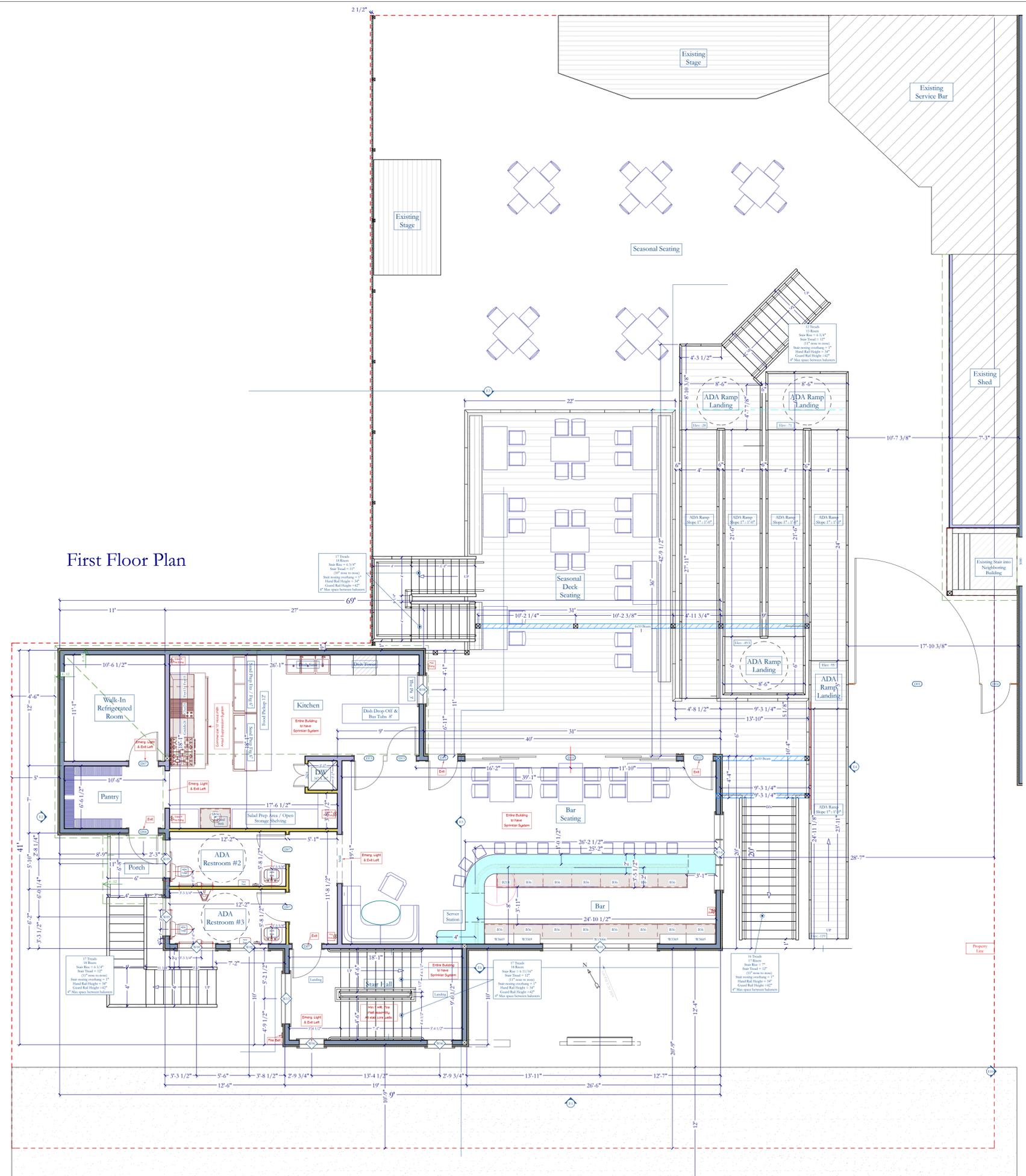
3/16" = 1'-0"

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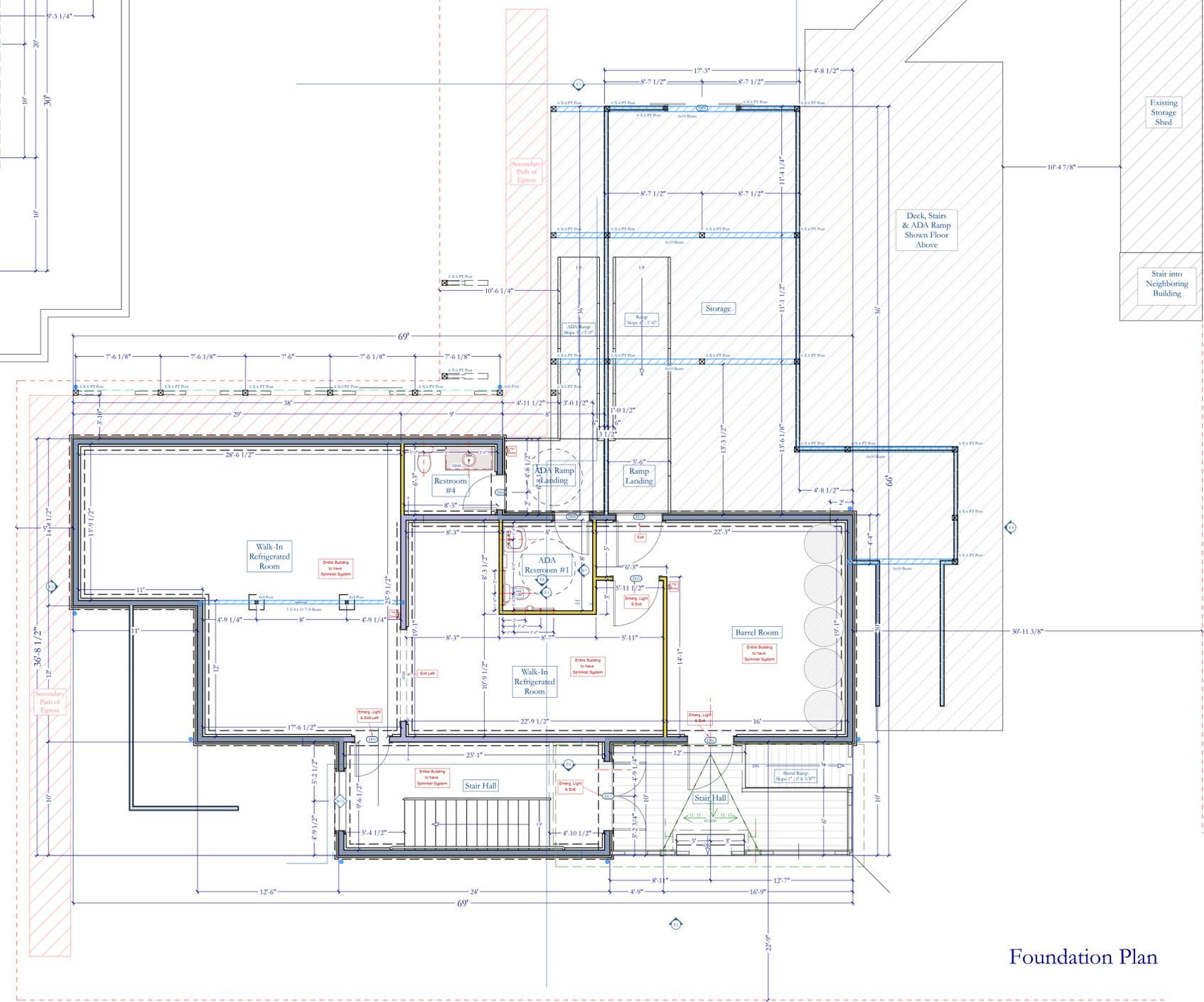
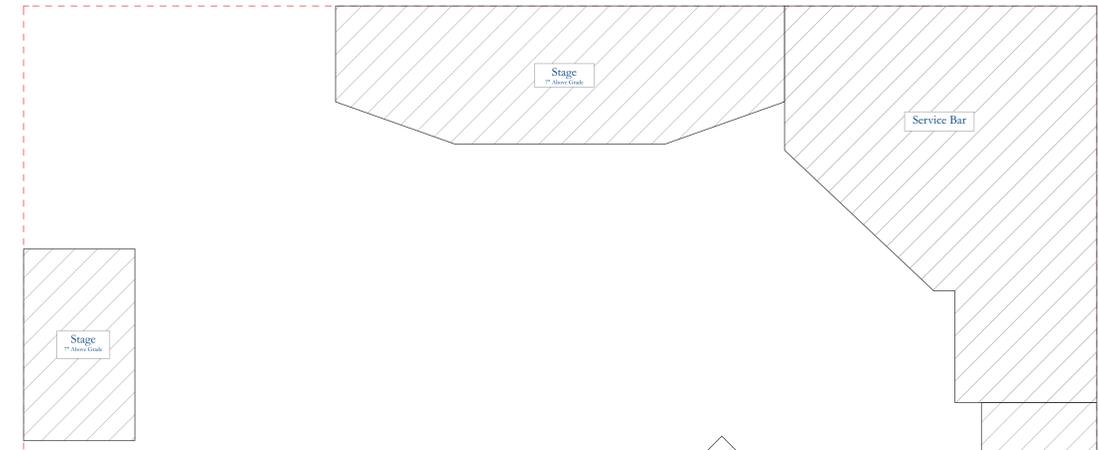
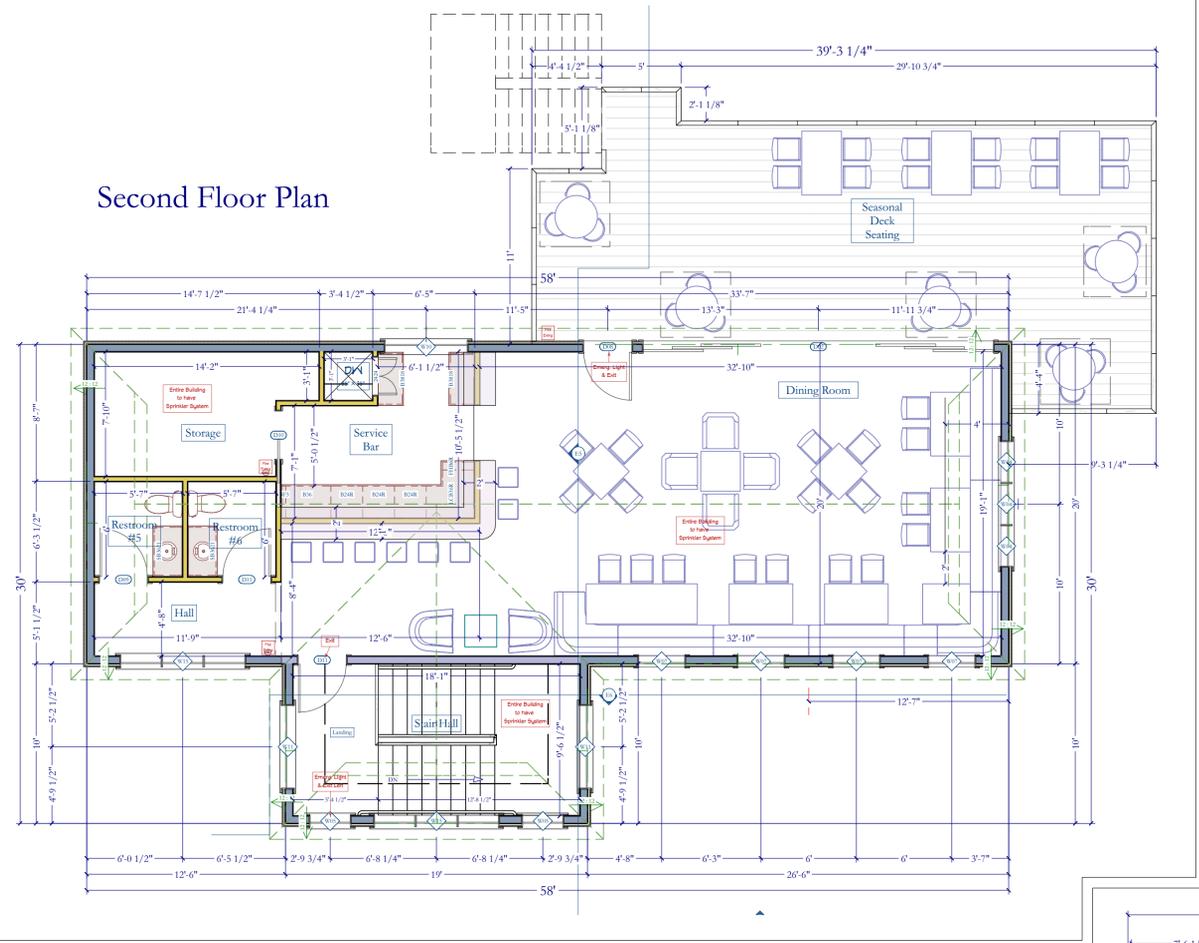
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First Floor Plan



Second Floor Plan



Foundation Plan



Elevation 1



Elevation 2

WINDOW SCHEDULE

NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	EGRESS	DESCRIPTION	HEADER	COMMENTS
W01	12016MU	1	1	12016	144"	18"	145"X19"		MULLED UNIT	2X12X148" (2)	
W02	2020FX	1	3	2020FX	24"	24"	24 1/2"X24"		FIXED GLASS-CT	2X6X27 1/2" (2)	
W03	2828FX	2	3	2828FX	31 5/8"	31 5/8"	32 1/8"X31 5/8"		FIXED GLASS-CT	2X6X35 1/8" (2)	
W04	2829DH	3	2	2829DH	31 5/8"	32 7/8"	32 1/8"X32 7/8"		DOUBLE HUNG	2X6X35 1/8" (2)	
W05	2839DH	2	2	2839DH	31 5/8"	44 7/8"	32 1/8"X44 7/8"		DOUBLE HUNG	2X6X35 1/8" (2)	
W06	2841DH	2	1	2841DH	31 5/8"	48 7/8"	32 1/8"X48 7/8"		DOUBLE HUNG	2X6X35 1/8" (2)	
W07	3016AW	4	2	3016AW	36"	18"	37"X19"		SINGLE AWNING	2X6X40" (2)	
W08	3040DH	1	1	3040DH	36"	48"	37"X49"		DOUBLE HUNG	2X6X40" (2)	
W09	4016AW	4	1	4016AW	48"	18"	49"X19"		SINGLE AWNING	2X8X52" (2)	
W10	5331MU	1	2	5331	63 1/4"	36 7/8"	64 1/4"X37 7/8"		MULLED UNIT	2X8X67 1/4" (2)	
W11	5339MU	2	2	5339	63 1/4"	44 7/8"	64 1/4"X45 7/8"		MULLED UNIT	2X8X67 1/4" (2)	
W12	5341MU	1	0	5341	63 1/4"	48 7/8"	64 1/4"X49 7/8"		MULLED UNIT	2X8X67 1/4" (2)	
W13	5341MU	1	1	5341	63 1/4"	48 7/8"	64 1/4"X49 7/8"		MULLED UNIT	2X8X67 1/4" (2)	
W14	71125MU	1	1	71125	94 7/8"	28 7/8"	95 7/8"X29 7/8"		MULLED UNIT	2X10X98 7/8" (2)	
W15	71139MU	2	2	71139	94 7/8"	44 7/8"	95 7/8"X45 7/8"		MULLED UNIT	2X10X98 7/8" (2)	

Date:

10/17/2024

Scale:

3/16" = 1'-0"

Sheet:

4/8

Exterior Elevations 1 & 2

WHITECAP BUILDERS
Building Community Since 1980
15 Evergreen Ridge Rd., Belfast, ME 04915 207-338-3112

MAIA Properties, LLC., 3 Tides
2 Pinchy Lane, Belfast, ME 04915
Map 11 / Lot 141-B



Elevation 4



Elevation 3

DOOR SCHEDULE

NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	HEADER	THICKNESS	COMMENTS
D01	13071	1	1	13071 L IN	156"	85"	158 1/2"	X87 1/2"	HINGED-CHAIN LINK GATE (WIDE)	2X12X158 1/2" (2)	1 3/8"
D02	22068	1	2	22068 L/R EX	264"	80"	266 1/2"	X82 1/2"	EXT. 3+3-PANEL SLIDER-GLASS PANEL	2X12X269 1/2" (2)	1 3/4"
D03	22070	1	1	22070 L/R EX	264"	84"	266 1/2"	X86 1/2"	EXT. 3+3-PANEL SLIDER-GLASS PANEL	2X12X269 1/2" (2)	1 3/4"
D04	3068	2	0	3068 L EX	36"	80"	38 1/2"	X82 1/2"	EXT. HINGED-DOOR E01	2X6X41 1/2" (2)	1 3/4"
D05	3068	1	0	3068 R EX	36"	80"	38 1/2"	X82 1/2"	EXT. HINGED-DOOR E01	2X6X41 1/2" (2)	1 3/4"
D06	3068	1	1	3068 L EX	36"	80"	38 1/2"	X82 1/2"	EXT. HINGED-DOOR E01	2X6X41 1/2" (2)	1 3/4"
D07	3068	4	1	3068 R IN	36"	80"	38 1/2"	X82 1/2"	HINGED-DOOR P01	2X6X41 1/2" (2)	1 3/8"
D08	3068	1	2	3068 L EX	36"	80"	38 1/2"	X82 1/2"	EXT. HINGED-DOOR F01	2X6X41 1/2" (2)	1 3/4"
D09	3068	1	2	3068 L IN	36"	80"	38 1/2"	X82 1/2"	HINGED-DOOR P01	2X6X41 1/2" (2)	1 3/8"
D10	3068	1	2	3068 R	36"	80"	74"	X82 1/2"	POCKET-DOOR P03	2X6X77" (2)	1 3/8"
D11	3068	2	2	3068 R IN	36"	80"	38 1/2"	X82 1/2"	HINGED-DOOR P01	2X6X41 1/2" (2)	1 3/8"
D12	3070	1	1	3070 L EX	36"	84"	38 1/2"	X86 1/2"	EXT. HINGED-DOOR F01	2X6X41 1/2" (2)	1 3/4"
D13	3070	2	1	3070 R IN	36"	84"	38 1/2"	X86 1/2"	HINGED-DOOR P01	2X6X41 1/2" (2)	1 3/8"
D14	3071	1	1	3071 R IN	36"	85"	38 1/2"	X87 1/2"	HINGED-CHAIN LINK GATE (WIDE)	2X6X38 1/2" (2)	1 3/8"
D15	4068	2	0	4068 R EX	48"	80"	50 1/2"	X82 1/2"	EXT. HINGED-DOOR E01	2X8X53 1/2" (2)	1 3/4"
D16	4070	1	0	4070 R EX	48"	84"	50 1/2"	X86 1/2"	EXT. HINGED-DOOR E01	2X8X53 1/2" (2)	1 3/4"
D17	6070	1	0	6070 L/R EX	72"	84"	74 1/2"	X86 1/2"	EXT. DOUBLE HINGED-DOOR E01	2X10X77 1/2" (2)	1 3/4"
D18	6070	1	0	6070 L/R EX	72"	84"	74"	X86 1/2"	EXT. DOUBLE BARN-X-BRACE DOOR	2X10X77" (2)	1 3/8"



Property Information

Property ID 034-017
 Location 80 WIGHT ST
 Owner CUNNINGHAM, BARBARA E



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

City of Belfast, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated January 2016
 Data updated September 11, 2018



CITY OF BELFAST, MAINE 04915
131 Church Street

PLANNING AND CODES DEPARTMENT

Phone: (207) 338-3370 ext. 125

Fax: (207) 338-2419

Email: planningandcodes@cityofbelfast.org

November 18, 2024

**NOTICE TO PROPERTY OWNER
BELFAST CITY COUNCIL FIRST READING
TUESDAY, DECEMBER 3rd, 2024**

The Belfast City Council at its meeting of Tuesday, December 3rd, 2024, beginning at 7:00 P.M. or as soon as practical thereafter, shall conduct a First Reading on an application submitted by Daniel Waldron, for the reconstruction of the Three Tides building located at 2 Pinchy Lane, Map 11 - Lot 141-B. The request involves City review pursuant to the Contract Rezoning Process for the Waterfront Mixed Use zoning districts. This property is subject to an approved Contract Rezoning Agreement from 2020. The current proposal is a minor amendment to that approval.

The Council will consider the application and the recommendations from the Belfast Planning Board and Intown Design Review Committee in determining if the City should grant the requested Agreement. A Second Reading and Public Hearing at a later date is required before granting any Contract Rezoning Agreement Amendment.

The City of Belfast encourages persons who may be affected by the proposed agreement to offer comments to the City Council. Written comments should be submitted to the City of Belfast, Planning and Codes Department, 131 Church Street, Belfast, ME 04915. Emailed comments should be submitted to directorplanning@cityofbelfast.org. All written comments must be received by 12 noon on December 3rd prior to the City Council meeting.

Information regarding the application can be found on the City website, cityofbelfast.org, reference the Code and Planning link, Three Tides Contract Rezoning Agreement Amendment #1. A copy of the application also is available for public inspection in Belfast City Hall during regular business hours, Monday-Thursday 7:00 A.M. – 6:00 P.M. Questions regarding the application should be directed to Bub Fournier, Director of the Planning and Codes Department at 338-3370 x 125 or at directorplanning@cityofbelfast.org

On behalf of the City Council,

Alexandra E. Sykes, City Planner

**NOTICE OF DECISION & RECOMMENDATION
BELFAST INTOWN DESIGN REVIEW COMMITTEE
THREE TIDES
2 PINCHY LANE, MAP 11, LOT 141-B**

Committee Meeting & Applicant Request: The Belfast Intown Design Review Committee met on October 3rd, 2024, to review a request from Daniel Waldron, Applicant, to construct a new building at the location of the former Three Tides building, 2 Pinchy Lane, Map 11, Lot 141-B. The proposal consists of demolishing the existing building down to the foundation, reusing the remaining concrete foundation and expanding the building's footprint. The new building will be used as a bar and restaurant and will be constructed to be 3 stories tall.

Committee Members Serving on Review: Members serving on the Committee for this review were Pegi Miller, Dorothy Odell, Declan O'Connor, Jim Duff, and Barry Brindle.

Applicant Proposal & Permit Type: The Applicant's proposal to construct a new non-residential structures in the Waterfront Mixed Use 2 zoning district requires a review by the Intown Design Review Committee. In addition, since the Applicant has applied for review under Contract Rezoning. Section 102-1452 states that all applicants who choose to go through the Contract Rezoning process in the Waterfront Mixed Use 2 zoning district are required to go before the Intown Design Committee and follow the guidelines outlined in Chapter 80-6, Design Guidelines.

Public Comment: The Belfast Planning and Codes Department mailed abutters notices 10 days before the meeting date to all property owners within a 250 ft radius of 2 Pinchy Lane. There was no comment from the public presented during the meeting, and no comments were submitted to the Department of Planning and Codes before the meeting.

Conformance with Section 80-6 Design Guidelines: The Committee found the proposed design and location were consistent with the the design guidelines outlined in Section 80-6.

Committee Conditions of Approval: The Committee may establish recommendations as part of the Contract Rezoning process. The Committee did not present any recommendations for the proposed project and recommended the project to City Council as presented by the Applicant.

The Decision of the Committee: The Belfast Intown Design Review Committee, at its meeting of October 3rd, 2024, approved (5-0) issuance of a recommendation to the Belfast Planning Board and City Council for the proposed reconstruction of the former Three Tides building located at 2 Pinchy Lane, Map 11, Lot 141-B submitted by Daniel Waldron.

On behalf of the Committee,



Alexandra E. Sykes, City Planner

**ADOPTED CONTRACT REZONING AGREEMENT
CITY of BELFAST CODE of ORDINANCES**

**CITY OF BELFAST CITY COUNCIL
APPLICANT: WHITECAP BUIDLERS (DANIEL WALDRON)
PROJECT: THREE TIDES RESTAURANT RENOVATION
LOCATION: MAP 11, LOT 141B**

1) Parties to Agreement.

Applicant: WhiteCAP Builders (hereinafter 'Applicant')
ATTN: Daniel F. Waldron, President
15 Evergreen Ridge Road
BelAfast, ME 04915

City: City of Belfast (hereinafter 'City')
131 Church Street
Belfast, Maine 04915

2) Description and Location of Property.

WhiteCAP Builders (hereinafter Applicant) has entered an agreement with Chip and Mena Holmes, owners of the former Three Tides Restaurant property located at 2 Pinchy Lane, Map 11, Lot 141B, to lease the property. The Applicant is proposing a series of renovations to the property and to re-establish its use as a restaurant. The main renovations include: converting the former residence located on the upper-most floor (3rd floor) of the building to restaurant seating, including using the outside deck for seating; creating new stair halls to provide customer access to the second and upper floors of the restaurant; making changes to the design of the building by replacing existing façade materials and adding a new series of windows; and making changes to the interior of the building, such as adding a new restroom on the upper floor and a commercial kitchen and a walk-in cooler on the second floor.

The Three Tides Restaurant and accompanying improvements have been located on this property since 2002. The property is 9,583 square feet in size (.22 acres) and it has 105.4 ft of frontage on the public right-of-way for the Belfast Harbor Walk, and it has 66 feet of shore frontage. While the address of this property is 2 Pinchy Lane, the property does not have any street frontage on the nearest street, Marshall's Wharf. The property owner and former operators of the Three Tides Restaurant have used Marshall's Wharf to provide vehicular access to the property.

3) Applicant Request and Purpose of Contract Rezoning Agreement.

The Three Tides property is located in the Waterfront Mixed Use 2 zoning district and the Waterfront Development shoreland district. The Belfast City Council, in October 2014, adopted amendments to the City Code of Ordinances, Chapter 102, Zoning, and Chapter

82, Shoreland, to allow the potential use of contract rezoning for a property located in this zoning and shoreland district. Pursuant to the 2014 Ordinance amendments, reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland District, an applicant whose property is located in the Waterfront Mixed Use 2 zoning district may voluntarily request to apply for a contract rezoning agreement.

The Applicant proposal to re-establish the Three Tides Restaurant is a permitted use in both the Waterfront Mixed Use 2 zoning district and the Waterfront Development shoreland district. The main reason the Applicant is pursuing a contract rezoning agreement is because the proposed renovations to the Three Tides Restaurant building result in the Applicant not being able to satisfy dimensional standards for the Waterfront Mixed Use 2 zoning district; both the front structure setback requirement of 10 feet, and the side structure setback requirement of 5 feet (one side of the building). In addition, the Applicant is requesting to construct a small portion of a new stair hall, both the foundation for the stair hall and the overhang of the eaves, within the bounds of the City owned right-of-way for the Belfast Harbor Walk.

4) City Code of Ordinance Requirements.

The Belfast City Council determined that the City has the authority to consider the Applicant proposal to develop and occupy this property pursuant to terms of a contract rezoning agreement. The Council considered the provisions of the applicable City Code of Ordinances and the recommendations of the City of Belfast Planning Board and Belfast Intown Design Review Committee in determining that the Applicant project is an allowed use and that it satisfies applicable Ordinance requirements, subject to terms of this Contract Rezoning Agreement. The Council considered the following Ordinances:

- a) Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District. The Council specifically found that Section 102-1451(b) establishes that the Applicant property qualifies to request the issuance of a contract rezoning agreement. The Council concurred with the Belfast Planning Board that the Applicant's request for relief from certain dimensional (setback) requirements that apply to the Waterfront Mixed Use 2 Zoning District warrants City consideration of issuing a contract rezoning agreement.
- b) Chapter 102, Zoning, Article V, District Regulations, Division 9, Inside the Bypass Zoning Districts, Section 102-461, Table of Uses, and Section 102-470, Dimensional Table, for the Waterfront Mixed Use 2 zoning district. The Council concurred with the recommendation and finding of the Belfast Planning Board that a restaurant with inside and outside seating is a permitted use, and that the property complies with applicable dimensional requirements, subject to the structure setback relief granted through this Agreement.
- c) Chapter 82, Shoreland. The Council concurred with the recommendation and finding of the Belfast Planning Board that the property is located in the Waterfront Development Shoreland District and that the Applicant proposal must comply with applicable Shoreland requirements.

- d) Chapter 90, Site Plan. The Council concurred with the recommendation and finding of the Belfast Planning Board that Chapter 90, Site Plan, applies to the project renovations proposed by the Applicant.
- e) Chapter 78, Floods. The Council concurred with the recommendation and finding of the Belfast Planning Board that Chapter 78, Floods, applies to the renovations proposed by the Applicant. The Three Tides Restaurant building is located in the AE zone, elevation 11, of the flood zone.
- f) Chapter 80, Intown Design Review. The Council concurred with the finding of the Belfast Planning Board that Chapter 80, Design Review, applies to the renovations proposed by the Applicant. The Intown Design Review Committee, pursuant to Step 2 of the Contract Rezoning process, conducted its review of the Applicant proposal at its meeting of June 18, 2020. The Planning Board and City Council considered the Committee's recommendations in making its decision on the requested contract rezoning agreement.
- g) Chapter 98, Technical Standards Ordinance. The Council concurred with the finding of the Belfast Planning Board that the Technical Standards provided guidance to both the Board and the Council in implementing goal statements identified in Chapter 102, Zoning, Article X.

5) Description of City Council Action

The Belfast City Council conducted the public hearing and meetings associated with its review of the requested Contract Rezoning Agreement that are required by Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and the Waterfront Development Shoreland District. The Council conducted the First Reading of the proposed Agreement at its meeting of July 7, 2020, and conducted the Second Reading and accompanying public hearing at its meeting of July 21, 2020.

The Council, at its meeting of July 21, 2020, found that the Applicant satisfied all requirements of Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use Zoning Districts and Waterfront Development Shoreland Districts, Sections 102-1450, 102-1451(b), 102-1453, and 102-1454, and voted at this same meeting to approve the Contract Rezoning Agreement for the property located at Map 11, Lot 141B. The Council found that the Applicant proposal satisfied all Section 102-1453(a) Mandatory Conditions for a Contract Rezoning Amendment (Agreement) that are stipulated in State Law, all Section 102-1453(b) Discretionary Conditions for a Contract Rezoning Agreement that are stipulated in the City Code of Ordinances, and that the project proposal is consistent with the Goal Statements stipulated in Section 102-1454. The Council, at its meeting of July 21, 2020, adopted a motion to approve the Applicant request for a Contract Rezoning Agreement. This Agreement grants the Applicant relief from certain structure setback requirements; reference Attachment A, Conditions of Approval. Further, the terms of this Contract Rezoning Agreement shall replace and supersede terms of Use Permits and Site Plan Permits granted to David and Sarah Carlson, past owners and operators of the Three Tides Restaurant.

The Council authorized the City of Belfast City Manager to enter into (sign) this Agreement on their behalf.

6) Terms and Conditions of Approval

The Contract Rezoning Agreement is subject to Applicant compliance with the terms and conditions identified in Attachment A, City of Belfast Planning Board recommended Conditions of Approval, which the Planning Board reviewed and approved at its meeting of June 24, 2020, and as such were reviewed by the Council at its meetings of July 7 and July 21, 2020, and as such were approved, including amendments, by the City Council at its meeting of July 21, 2020.

7) Integration.

This Contract Rezoning Agreement, together with all attachments, represents the set of terms and conditions between the parties. No oral statements, promises or understandings may be relied upon by either party.

8) Assignment.

The City requires the Applicant to inform the City and obtain City approval, subject to terms identified in this Contract Rezoning Agreement, of any proposal or request to assign the terms of this Agreement to any other party. Such a request shall be considered an amendment to this Agreement.

9) Enforcement.

The following provisions shall apply to enforcement of the terms of this Contract Rezoning Agreement:

- a) The parties hereto acknowledge that this Agreement is enacted pursuant to and is an extension of the land use laws of the City of Belfast. The City may enforce any violation of the terms and conditions in the Contract Rezoning Agreement and all attachments hereto, pursuant to the relief, penalties and remedies, including injunctive relief, as contained in Title 30-A M.R.S 4452 and Rule 80K of the Maine Rules of Civil Procedure. Each day of violation shall be considered a separate violation. Provided, however, with the exception of emergency safety issues, no enforcement action shall take place unless the Applicant, or its heirs, successors and assigns, fails to substantially cure violations after receipt of written notice from the City demanding cure within 30 days of receipt of said notice by the Applicant or its heirs, successors and assigns; and
- b) Unless specifically displaced by the terms and conditions described herein, the Applicant, or its heirs, successors and assigns, shall comply with all performance standards, land use ordinances, and public health, safety and welfare ordinances of the City of Belfast, whether existing or to be enacted in the future.

10) Effective Date of Agreement.

The effective date of this Contract Rezoning Agreement shall be the date of its adoption by the City Council, July 21, 2020. This Agreement was adopted and signed by both the Applicant (Daniel Waldron, President) and the City (by Erin Herbig, City Manager) in July 2020.

The adoption of the Contract Rezoning Agreement and the accompanying Attachment A, Planning Board Recommended Conditions of Approval, is a legal land use decision of the City Council of the City of Belfast. Any appeal of this decision must be filed in the Waldo County Superior Court within 30 days in accordance with provisions of City Code of Ordinances, Chapter 102, Zoning, Section 102-1455.

NORA E. MCGRATH
NOTARY PUBLIC - State of Maine
My Commission Expires
February 27, 2026

ON BEHALF OF THE APPLICANT,

Dated: 7/23/2020


Daniel F. Waldron

State of Maine
Waldo County, ss

Personally appeared before me the above-named Daniel F. Waldron, President, WhiteCAP Builders, and made oath that the above-stated facts are true based upon his knowledge, information and belief and to the extent that they are based upon information and belief, Daniel F. Waldron swears that he believes them to be true.

Before me,


Notary Public

Type or Print Name as Written
NORA E. MCGRATH
NOTARY PUBLIC - State of Maine
My Commission Expires
February 27, 2026

My Commission Expires:

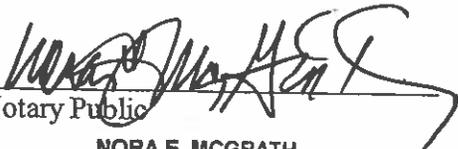
ON BEHALF OF THE CITY OF BELFAST

DATED: _____ 
Erin Herbig

State of Maine
Waldo County, ss

Personally appeared before me the above-named Erin Herbig, City Manager, City of Belfast and made oath that the above-stated facts are true based upon her knowledge, information and belief and to the extent that they are based upon information and belief, Erin Herbig swears that she believes them to be true.

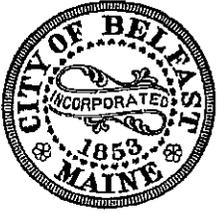
Before me,


Notary Public
NORA E. MCGRATH
NOTARY PUBLIC - State of Maine
My Commission Expires
February 27, 2026

Type or Print Name as Written

My Commission Expires:

10.H



CITY OF BELFAST

City Hall
131 Church Street
Belfast, Maine 04915

Thomas Kittredge
Economic Development Director

E-mail: economicdevelopment@cityofbelfast.org
Phone: (207) 338-3370, extension 116

From: Thomas Kittredge, Economic Development Director

To: Mayor Eric Sanders, City Councilor Christopher Bitely, City Councilor Brenda Bonneville, City Councilor Paul Dean, City Councilor Neal Harkness, City Councilor Mary Mortier, Deputy City Manager Manda Cushman, and City Manager Erin Herbig

For: Belfast City Council Meeting of Tuesday, December 3rd, 2024

Regarding: Authorization of a Community Facilities Grant Agreement and Approval of a Resolution to Accept a Community Facilities Grant.

As you likely are aware, the City of Belfast was previously notified (in December 2022) that it had been awarded \$1,500,000 in Congressionally Directed Spending (earmark) funding (which is also referred to as a Community Facilities Grant), that can be used towards the construction of a new City of Belfast Public Safety Building, which would be a single unified facility that would house the City's Ambulance, Fire, and Police Departments.

In May of 2024, the City authorized the signing of various documents necessary and related to this \$1,500,000 Congressionally Directed Spending Award/Community Facilities Grant, in order to be able to obligate that grant and to qualify for a waiver from the Build America Buy America Act, which it successfully did.

The United States Department of Agriculture, Rural Development (USDA RD), the federal agency that has management/oversight of this Congressionally Directed Spending award, is now asking the City to authorize a series of post-obligation documents, in the form of a resolution to accept the grant (which has been provided to you in advance of this meeting) and the signing of a community facilities grant agreement)

At this time, the Economic Development Director requests that the City Council take the following actions:

- 1) Approve a Resolution to Accept a \$1,500,000 Community Facilities Grant; and**
- 2) Authorize the City Manager to sign a Community Facilities Grant Agreement on behalf of the City of Belfast; and**

A RESOLUTION OF THE CITY COUNCIL
OF City of Belfast
TO ACCEPT A \$1,500,000 COMMUNITY FACILITIES GRANT

The City Council hereby resolves and does authorize its City Manager and its City Clerk to execute and deliver to USDA Form RD 3570-3, COMMUNITY FACILITIES GRANT AGREEMENT, on behalf of the City Council of the City of Belfast, substantially in the form presented to this meeting with such changes and additions as they in their discretion may deem necessary or appropriate.

Resolved further that the City of Belfast, acting through its appropriate officers as designated in its By-Laws/Charter, will take all necessary and appropriate steps to carry out the transactions contemplated by the COMMUNITY FACILITIES GRANT AGREEMENT approved at this meeting.

Date: December 3rd, 2024 Voted: Yeas _____ Nays _____ Absent _____

Signed by City Council members present:

- | | |
|----------|-----------|
| 1. _____ | 9. _____ |
| 2. _____ | 10. _____ |
| 3. _____ | 11. _____ |
| 4. _____ | 12. _____ |
| 5. _____ | 13. _____ |
| 6. _____ | 14. _____ |
| 7. _____ | 15. _____ |
| 8. _____ | 16. _____ |

CERTIFICATION

I, the undersigned, as Clerk of the City Council of City of Belfast, hereby certify that the City Council is composed of _____ members, of whom _____, constituting a quorum, were present at a meeting thereof duly called and held on the 3rd day of December, 2024; that the foregoing resolution was adopted at such meeting by the vote shown above; and that said resolution has not been rescinded or amended in any way.

Dated, this _____ day of December, 2024.

(SEAL)

Angie Crosby, Clerk

10.I



79 Congress Street

Tree #	Specie	Diameter (")	Condition (1-5)	Street Name	Street #	Tax Map & Lot	Treatment Needed	Notes
580	Sugar maple	14	5	Congress Street	29	12-2		
581	Red Oak	20	5	Congress Street	31	12=1		
582	Spruce	14	5	Congress Street	33	12-1		
583	Sugar maple	36	3	Congress Street	35	10-37		
584	Sugar maple	48	4	Congress Street	39	10-37		
585	Sugar maple	40	5	Congress Street	39	10-37		
586	Sugar maple	38	4	Congress Street	41	10-37		
587	Red Oak	22	5	Congress Street	43	10-36		
588	Sugar maple	18	5	Congress Street	44	11-268		
589	red oak	24	5	Congress Street	49	10-35		
590	Norway maple	14	5	Congress Street	53	10-34		
591	Ash	18	4	Congress Street	54	11-269		
592	red maple	24	4	Congress Street	62	37-259A		
593	red maple	24	4	Congress Street	62	37-259A		
594	Norway maple	50	5	Congress Street	63	10-7		
595	red maple	20	5	Congress Street	65	10-6		
596	Red Oak	24	5	Congress Street	71	10-5		
597	Sugar maple	16	5	Congress Street	70	37-256		
598	Norway maple	40	5	Congress Street	75	10-2		
599	Sugar maple	48	5	Congress Street	75	10-2		
600	Sugar maple	40	5	Congress Street	79	10-1		
601	Sugar maple	48	4	Congress Street	79	10-1		
602	Ash	20	5	Congress Street	80	37-255		
603	Sugar maple	48	2	Congress Street	83	35-51		
604	Norway maple	10	5	Congress Street	88	37-253		evaluate
605	horse chestnut	48	5	Congress Street	89	35-49		
606	Sugar maple	14	5	Congress Street	93	35-48		
607	red maple	48	4	Congress Street	97	35-44		
608	red maple	18	5	Congress Street	101	35-46		
609	Black Locust	12	5	Congress Street	102	37-244		
610	silver maple	18	5	Congress Street	103	35-45		
611	Sugar maple	48	2	Congress Street	107	35-45		evaluate

10.J

ATTACHMENT E. CERTIFICATION OF LOCAL APPROVAL FOR NONPROFIT ORGANIZATIONS

Emergency Solutions Grant (ESG) regulations (24CFR § 576.202(a)(2)) require that any private nonprofit agency receiving ESG funding have the approval of the unit of local government in whose jurisdiction they operate.

The undersigned, authorized to act on behalf of (name of town/city) Belfast certifies to MaineHousing that (name of shelter agency) Waldo Community Action Partners has the approval of the above named local government to provide the following ESG funded services within this municipality:

Street Outreach, Housing Stabilizations, Case Management, and voucher assistance.

Signature:

Printed Name:

Title:

10.K



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Belfast Mayor and City Council
Honorable Mayor, Eric Sanders
Ward 1 Councilor, Mary Mortier
Ward 2 Councilor, Neal Harkness
Ward 3 Councilor, Brenda Bonneville
Ward 4 Councilor, Chris Bitely
Ward 5 Councilor, Paul Dean

E-mail: cityhall@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-2419

December 3rd, 2024

To State Senator Curry and Representative Dodge:

On behalf of ourselves, and as representatives of our constituents, the Belfast Mayor and members of the City Council urge you to review the decision by MaineHealth to close the labor and delivery unit at Waldo County General Hospital, as we are concerned it is in violation of MaineHealth's original proposal to the State to bring WCGH into its membership in 2008, as authorized by the Maine Department of Health and Human Services.

WCGH has been a vital part of our community for generations. It is a treasured asset to the people of Belfast and Waldo County, and our hope is that the hospital continues to remain so. The gradual degradation of services, the elimination of hospice facilities, the cutbacks in cardiology and other areas, are all signals of a deeper concern. We have heard from constituents as well as from our own families and friends of their worry that procedures are being discontinued and services no longer offered. WCGH must remain a full-service medical center for our community.

When services are diminished, patients go elsewhere or do not receive care. The decline in the number of patients served eventually results in the elimination of services altogether. The answer to a reduction in clientele is not to offer less, but instead to improve the quality of care.

It is for these reasons, MaineHealth has failed to uphold their promises to the State in the acquisition of WCGH and the subsequent merger with Penobscot Bay Healthcare. In their 2008 proposal to the Department of Health and Human Services, MaineHealth stated their commitment to "maintaining existing health care services in Waldo County as part of the health

care delivery system” as reported in the DHHS Preliminary Analysis section IV, Public Need. Section VIII. Service Utilization Item A also states “WCGH joining MaineHealth will have no adverse impact on the utilization of services by residents of its service area. Participation in MaineHealth’s health status improvement, clinical integration and quality improvement initiatives should positively impact utilization. Furthermore, the DHHS Acquisition of Control Briefing Memo regarding the merger of the two hospitals states that “services will remain unchanged” [Section V. f] and that “there will be no negative impact on the quality of care delivered by existing service providers [Section V. e]. This briefing also references WCGH’s status as a Critical Access Hospital as defined by the DHHS.

We are concerned about the impact that closing the labor and delivery unit will have on the community. Families should not face long drives on wintry roads, in heavy summer traffic, or under other tense circumstances in order to receive urgently needed care. Many of our constituents lack adequate transportation; others can only access it at a great expense. We respect your commitment to the well-being of those you serve and ask that you carefully consider whether removing labor and delivery services from WCGH honors that commitment.

Please take care in your deliberations. Consider the well-being of the people that we – and you – serve. It is clear to us that closing labor and delivery services was not in the citizens' best interest. We ask that you review the policies of the DHHS with regard to MaineHealth’s decision, determine if a violation has occurred, and take action to remedy this discrepancy.

Respectfully submitted by the Belfast Mayor and City Council,

Mayor Eric Sanders

Councilor Brenda Bonneville

Councilor Mary Mortier

Councilor Chris Bitely

Councilor Neal Harkness

Councilor Paul Dean

CC: State Senator Chip Curry
State Representative Janice Dodge