



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Erin Herbig
City Manager

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MANAGER'S REPORT

Belfast City Council Meeting

Tuesday, October 15, 2024

6:00 p.m. Council Work Session with the Northport Selectboard to review the preliminary boundary survey.

7:00 p.m. Regular Council Meeting

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

FROM: Erin Herbig, City Manager

DATE: Thursday, October 10, 2024

Agenda Items:

10-A Presentation from Assessor Jim Murphy of Murphy Appraisal Services and Assessing Department Staff regarding the recent City-wide revaluation.

On September 17th, the City Council adopted committed property taxes and set the mil rate of .0154 for the 2024-25 Fiscal Year. This was a reduction of 23.28% from last year's mil rate of 0.0201.

In the 2023 tax bill as well as in a letter dated July 2024, all Belfast taxpayers were notified that the City of Belfast would conduct a city-wide revaluation for tax assessment in 2024.

When there is a large disparity between sales values and assessed values – less than 70% – municipal revaluation is required by state law. Earlier this year, the City of Belfast assessment-to-sales ratio dropped to 67%, consequently requiring a revaluation.

Property taxes provide funding for Regional School Unit #71 (\$10,909,170 or **52.25%**), the County of Waldo (\$2,129,311 or **10.20%**), and all City of Belfast municipal services such as Police, Fire, Ambulance, road paving and maintenance, sidewalks, streetlights, hydrants, snow removal, the Belfast Transfer Station, the Belfast Free Library, parks, cemeteries, the harbor, the municipal airport, and all functions at City Hall (\$7,839,607 or **37.55%**).

The goal of the revaluation process is to update all assessments to fair market value. While the present real estate market may or may not be at its peak, property valuations are based on the marketplace. Sale prices are the basis for fair and equitable assessments and must be reflected in the City's valuations used for taxation. In conjunction with reviewing sales, building cost tables have been updated, and new custom land schedules have been created based on updated zoning maps and market data.

The Belfast City Council strives to maintain a 100% certified ratio between assessed values and fair market values in order to allow Belfast taxpayers to receive 100% of any possible tax exemption benefits. Maximum exemption benefits would not have been possible if not for a city-wide revaluation this year.

Examples of exemption benefits include:

- Homestead
- Veterans and Widow/Widowers of Veterans
- Solar
- Business Equipment Tax Reimbursement Program (BETR)
- Business Equipment Tax Exemption Program (BETE)

Jim Murphy of Murphy Appraisal Services and a member of the Assessing Department Staff will provide a presentation regarding the recent city-wide revaluation for tax assessment in 2024 and answer Council questions.

10-B Request from the Police Chief to confirm Andrew Parker of Baltimore, Maryland as a full-time Police Officer for the Belfast Police Department.

Andrew Parker was one of eleven finalists who attended oral boards held on March 28th. Since then, Mr. Parker has successfully completed the background process, polygraph and psychological testing required by the Maine Criminal Justice Academy.

Mr. Parker is a full-time certified Police Officer with five years of experience with the City of Baltimore Police Department. He attended Dallastown High School in York, Pennsylvania and Baltimore Community College where he studied Criminal Justice.

Officer Parker will be a great addition to our team. He looks forward to getting out and meeting everyone in the community.

If approved by the City Council, City staff requests that a motion is made to confirm Andrew Parker as a full-time Police Officer for the Belfast Police Department. If appointed by the City Council, Mr. Parker will be sworn in at the meeting by City Clerk Angie Crosby.

Please see the attached memo (10-B) from Police Chief Bobby Cormier detailing the request. Chief Cormier and Mr. Parker will be present at the meeting.

10-C Request from the City Clerk to approve of the Election Warrant for the November 5th, 2024, Election.

City Clerk Angie Crosby must post an Election Warrant approved by the City Council prior to Election Day. The election will be on Tuesday, November 5, 2024, from 7:00 a.m. to 8:00 p.m. at the following locations:

Wards One, Two, Three, and Four:

The Tarratine
153 Main Street
Belfast, ME 04915

Ward Five:

United Methodist Church
23 Mill Lane
Belfast, ME 04915

The City of Belfast has installed a Ballot Drop Box which has been placed outside of City Hall on the side of the High Street entrance to be used for dropping off absentee ballots. This will help alleviate traffic in the Clerk's Office, as well as provide flexibility for voters to drop their ballots off at any time.

Please see attached to this report (10-C) a copy of the proposed Election Warrant. Clerk Crosby will be at the meeting to offer more information on the upcoming election and answer any questions.

10-D Request from the Pedestrian, Transportation, and Accessibility Committee for consideration of a Boathouse rental fee waiver.

The Pedestrian, Transportation, and Accessibility Committee requests a rental fee waiver for use of the Boathouse to hold a second public workshop for the Active Transportation and Accessibility Plan on Wednesday, December 4th from 5:30-8:30 PM.

Only the City Council can approve rate changes or fee waivers on behalf of the City of Belfast. The Parks and Recreation Director Pam Salokangas and the Parks and Recreation Commission discussed and recommended approval.

If approved by the City Council, the Parks and Recreation Director requests a motion be made to approve the requested fee waiver by the Pedestrian, Transportation, and Accessibility Committee to hold their second public workshop for the Active Transportation and Accessibility Plan on Wednesday, December 4th.

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

10-E Request from the Maine Office of Community Development for consideration of a Boathouse rental fee waiver.

The Maine Office of Community Development has requested a Boathouse rental fee waiver for an event to celebrate a successful partnership with the City of Belfast regarding project funding on Monday, October 28th from 12:00-5:00 PM.

Only the City Council can approve rate changes or fee waivers on behalf of the City of Belfast. The Parks and Recreation Director Pam Salokangas and the Parks and Recreation Commission discussed and recommended approval.

If approved by the City Council, the Parks and Recreation Director requests a motion be made to approve the requested fee waiver by the Belfast Economic Development Department, in conjunction with the Maine Office of Community Development to hold their presentation on Monday, October 28th.

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

10-F Presentation on proposed amendments to the City Code of Ordinances, Chapter 38 Parks and Recreation.

The Parks and Recreation Director proposes amendments to the City of Belfast Parks and Recreation Ordinances that fall under Chapter 38. This draft includes updates and additions to provide a more robust statute for the management of the City's park spaces.

Councilors may recall an agenda item on June 18, 2024, where Parks and Recreation staff and the City Manager discussed these proposed changes. The Parks and Recreation Commission discussed the amendments at their October 1, 2024, meeting. Suggestions from that meeting have been incorporated into the draft being presented.

The Parks and Recreation Commission is one of sixteen committees within the City of Belfast. In order to better align with other City Committees, it is suggested that the membership of this group changed from five (5) to nine (9) members and the ordinance language now reflects that larger membership body and notes that terms will be staggered.

In order to best reflect the jurisdiction, it is suggested that the group be renamed to the Parks, Trails, and Recreation Committee. This name change would reflect that the Belfast Rail Trail, Little River Trail, and Rangeways fall under the jurisdiction of Parks and Recreation Department, and that any future trails would be placed under this same oversight. This name change does not change any of the other operational procedures for this group.

The Parks and Park Areas section has been updated to include formal names of the parks in the City's inventory. This language now clarifies that the Rangeways or rights-of-way for water access also fall to this department. I would further suggest adding the Little River Trail to this list.

This draft also includes amendments to penalties, the waiver of regulations, clarifies City Park hours, peddling or soliciting, dogs on leash requirements, littering penalties, vehicle regulations, smoking prohibition, open fires/grills limitations, alcohol prohibition, Belfast Boathouse usage, and firearms in City Parks. The Police Chief has reviewed the ordinance amendments regarding enforcement.

No City Council action is needed for this agenda item as this is strictly a presentation regarding the proposed amendments.

Please see the attached memo and proposed amendments (10-F and G) from Parks and Recreation Director Pam Salokangas explaining the request in further detail. Director Salokangas will be at the meeting to present.

10-G First Reading on proposed amendments to the City Code of Ordinances, Chapter 38 Parks and Recreation.

This is a First Reading. At this time, the City Council may discuss, amend, table, or approve the First Reading of the proposed amended ordinance.

If approved by the City Council, Parks and Recreation Director recommends that a motion is made to approve the First Reading of proposed amendments to the City Code of Ordinances, Chapter 38 Parks and Recreation and to schedule the Second Reading and Public Hearing for the next Regular City Council Meeting on Wednesday, November 6.

Please see the attached memo and proposed amendments (10-F and G) from Parks and Recreation Director Pam Salokangas explaining the request in further detail. Director Salokangas will be at the meeting to answer Council questions.

10-H Presentation on proposed amendments to the City Code of Ordinances, Chapter 80 Intown Design.

The Intown Design Review Committee is one of sixteen committees within the City of Belfast. In order to better align with other City Committees, it is suggested that the membership of this group is changed to nine (9) members and the ordinance language now reflects the membership body and notes that terms will be staggered.

Councilors may recall an agenda item on June 18, 2024, where Planning and Codes staff and the City Manager discussed these proposed changes. Subsequent meetings with the Intown Design Review Committee and the Planning Board have followed, and the Board voted in favor 6-1 on September 11, 2024, to recommend the changes.

The proposed amendments also include the adoption of an acting chair at the beginning of each meeting and sets a quorum of three members. This proposal also includes requiring a vote of the majority of members at any given meeting to carry any motion.

No City Council action is needed for this agenda item as this is strictly a presentation regarding the proposed amendments.

Please see the attached memo and proposed amendments (10-H and I) from Director of Code and Planning Bub Fournier explaining the request in further detail. Director Fournier will be at the meeting to present.

10-I First Reading on proposed amendments to the City Code of Ordinances, Chapter 80 Intown Design.

This is a First Reading. At this time, the City Council may discuss, amend, table, or approve the First Reading of the proposed amended ordinance.

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 proposed amendments to the City Code of Ordinances, Chapter 102 Zoning and to schedule the Second Reading and Public Hearing for the next Regular City Council Meeting on Wednesday, November 6.

Please see the attached memo and proposed amendments (10-H and I) from Director of Code and Planning Bub Fournier explaining the request in further detail. Director Fournier will be at the meeting to answer Council questions.

10-J Presentation on proposed amendments to the City Code of Ordinances, Chapter 102 Zoning.

Manufactured Housing Communities, more commonly known as mobile home parks, are defined in State Statute as a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. The City of Belfast adopted supplementary district regulations to allow for Manufactured Housing Communities to be more densely developed than other types of subdivisions, and in turn, increasing the financial feasibility of such projects.

Since the 2023 Joint Work Session between the City Council and Planning Board on housing, the City has been looking at increasing opportunities for development of Manufactured Housing Communities. At the time, City Council members encouraged Planning and Codes staff to work with the Planning Board on potential ordinance amendments to bring the City's Code in line with State minimum road construction standards.

On September 27, 2023, the Planning Board amended the density allowed for Manufactured Housing communities in regard to public sewer, shared septic systems and individual septic systems. Following that meeting, the City's Housing and Property Development Committee discussed the subject and generated a letter of recommendation to the Planning Board to consider amending the City Ordinance as well.

At an ordinance amendment workshop on April 10th, 2024, City staff presented draft language that would accomplish the goals discussed at the previous meetings. The City Engineer also offered some thoughts regarding emergency vehicle access on narrow one-way 12' wide streets and the potential for paving to facilitate narrower road construction.

On September 11, 2024, the Planning Board reviewed final language for the proposal and voted unanimously to recommend the proposal for City Council adoption.

No City Council action is needed for this agenda item as this is strictly a presentation regarding the proposed amendments.

Please see the attached memo and proposed amendments (10-J and K) from Director of Code and Planning Bub Fournier explaining the request in further detail. Director Fournier will be at the meeting to present.

10-K First Reading on proposed amendments to the City Code of Ordinances, Chapter 102 Zoning.

This is a First Reading. At this time, the City Council may discuss, amend, table, or approve the First Reading of the proposed amended ordinance.

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 proposed amendments to the City Code of Ordinances, Chapter 102 Zoning and to schedule the Second Reading and Public Hearing for the next Regular City Council Meeting on Wednesday, November 6.

Please see the attached memo and proposed amendments (10-J and K) from Director of Code and Planning Bub Fournier explaining the request in further detail. Director Fournier will be at the meeting to answer Council questions.

10-L Presentation from the Director of Code and Planning regarding data collected through the Short-Term Rental Registry.

The City of Belfast has permitted approximately seventy-seven Short Term Rental units (STRs) as defined by the Ordinance since September 2023. STRs are defined by the City Ordinance as dwelling units containing independent sleeping, bathing, and cooking facilities that are not otherwise occupied by the owner.

The City has approximately 3,775 units of dwellings. The percentage of total dwelling units represented by STRs is approximately 2%. This is much less than anticipated when the STR Ordinance was discussed, but that may be due to the specifics of the definition. Approximately

64% are owned by people in Belfast, 12% are owned by people in other Waldo County towns, 9% are owned by people in other parts of Maine, and 15% are owned by people who live out of state.

Earlier this year, the Director of Code and Planning reported these numbers to the City's Housing and Property Development Committee, and they declined to take any further action on the subject based on the registry data.

It will be important to monitor the number of STRs moving forward, and the registry has been helpful in a couple instances when there have been parking, code, or safety issues.

Please see the attached memo and STR map (10-L) from Director of Code and Planning Bub Fournier providing further detail. Director Fournier will be at the meeting to present and answer Council questions.

10-M Request by the Economic Development Director to approve the submission of an application to the United States Environmental Protection Agency Brownfields Assessment Grant Program.

Over the past decade, the City of Belfast has launched, implemented, and sustained a successful Brownfields Assessment Program. The goal of this program is to provide the owners and/or future purchasers of brownfields with environmental due diligence in support of bank financing, to document the environmental liabilities and associated cleanup costs, to help revitalize these properties, and/or to protect the environment and public health.

This City of Belfast Brownfields Assessment Program has been funded through a series of five grants secured by the City from the United States Environmental Protection Agency (USEPA).

As of September 30th, 2024, the City has expended at least 70% of its current brownfields funding and is eligible to submit a new application to the grant program to secure the funding necessary to continue the City's program.

The City would anticipate applying for the grant maximum of \$500,000. No matching funds from the City will be required for this grant. This application is due on November 14th, 2024, with notifications of awards expected in May of 2025.

If approved by the City Council, Economic Development Director Thomas Kittredge recommends that a motion is made to authorize the submission of an application to the USEPA Brownfields Assessment Grant Program; and authorize the City Manager to sign any and all documentation necessary for the submission of this application.

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

10-N Request by the Economic Development Director to approve the submission of an application to the United States Environmental Protection Agency Brownfields Cleanup Grant Program.

The United States Environmental Protection Agency (USEPA), through its Brownfields Cleanup Grant Program, makes funding available for the actual remediation of brownfields that are owned by eligible entities, which includes municipalities. The City of Belfast has previously secured funding through this program, both for properties that itself owns as well as on behalf of other eligible entities.

Grants awarded under this program can have a maximum of either \$500,000, \$2,000,000, or \$4,000,000. The City's application to this program for this funding cycle would be for the funding necessary to remediate the former Waldo County Superior Courthouse building located at 137 Church Street and the former Bradbury Manor located at 74 High Street.

No matching funds from the City will be required for this grant. The United States Environmental Protection Agency expects to announce awards for this program in May of 2025.

The City will be required to hold a public meeting to discuss a draft of its application and the cleanup plans for these properties, and to consider public comments prior to the submission of its application, which is due November 14th, 2024.

If approved by the City Council, Economic Development Director Thomas Kittredge recommends that a motion is made to authorize the submission of an application to the USEPA Brownfields Cleanup Grant Program; and authorize the City Manager to sign any and all documentation necessary for the submission of this application.

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

10-O Request from the Deputy Economic Development Director to accept professional services proposals and enter into a contract with a consultant to prepare a Fit-Out Plan for the former Waldo County Superior Courthouse.

The City recently issued a Request for Proposals (RFP) to professional service firms to perform fit-out, architectural design, and engineering services for the former Waldo County Superior Courthouse, located at 137 Church Street.

Since taking ownership of the building, the City has upgraded the HVAC systems, conducted an environmental assessment, and will seek grant funds to clean up any hazardous building materials. To bring the building up to code and meet the City's needs, a consultant is needed to detail phased plans for improvements to the exterior and interior of the building. Two key components of the project are the construction of an elevated walkway to connect the two City Hall buildings and the installation of a new elevator. The walkway connecting the buildings will allow the public and staff to access all City services more effectively. The elevator is necessary to provide ADA-accessible access to all three levels of office and meeting spaces.

The deadline for responses was October 9, 2024, at noon. Once received, City staff will review and rank proposals for consideration by the City Council.

If approved by the City Council, the Deputy Economic Development Director recommends that a motion is made to accept the RFP submissions and award the contract for professional services.

Please see the attached memo (10-O) from Deputy Economic Development Director Joellyn Warren providing additional information. Deputy Director Warren will be at the meeting to present and answer any questions.

10-P Request from the Finance Director to authorize the transfer of perpetual care funds collected in Fiscal Year 2023-2024 in the amount of \$11,600.00 to the Cemetery Trust Fund.

Finance Director Amy Bradford requests authorization to move perpetual care funds totaling \$11,600.00 to the Cemetery Trust Fund. This amount reflects the funding that was collected for FY2023-2024. This is an annual request that requires Council authorization.

If approved by the City Council, the Finance Director recommends that a motion is made to authorize the transfer of the perpetual care funds collected in FY23-24 in the amount of \$11,600.00 to the Cemetery Trust Fund.

Please see the attached memo (10-P) from Finance Director Amy Bradford and Cemetery Superintendent Leigh Wilcox providing additional detail regarding the funds collected for the sale of plots. I will be at the meeting to present and answer any questions.

10-Q Request from the Finance Director to expend up to \$178.60 for roof repairs to the Trap Shack.

Finance Director Amy Bradford requests authorization to expend up to \$178.60 to Viking Lumber for the Trap Shack roof repair, with funding to come from the Heritage Park Account # G 1-2300-00.

If approved by the City Council, the Finance Director recommends that a motion is made to authorize the expenditure of up to \$178.60 to Viking Lumber for the Trap Shack roof repair, with funding to come from the Heritage Park Account # G 1-2300-00. I will be at the meeting to present and answer any questions.

10-R Signing of Council Orders

A reminder to all residents and visitors, the City of Belfast Annual Winter Parking Ban goes into effect on November 1, 2024, and will continue until April 30, 2025.

Any vehicle parked overnight on any City street for more than one hour between the hours of midnight and 6 a.m. will be ticketed and/or towed at the owner's expense.

Additionally, the Winter Overnight Parking Rules will go into effect on November 1, 2024, and will continue until April 30, 2025, for City owned lots on Beaver, Washington and Cross Streets. The guidelines for parking in these lots are as follows:

Residents can park overnight in the municipal parking lots at Cross Street, Beaver Street and Washington Street. The following are special instructions for residents who use the municipal parking lots to park their vehicles overnight. In order to facilitate winter snow removal, please park in municipal lots as follows:

Cars that wish to park overnight (between midnight and 6:00 a.m.) must be moved every night regardless of weather and only park in designated "Odd" (Green) or "Even" (Yellow) spaces.

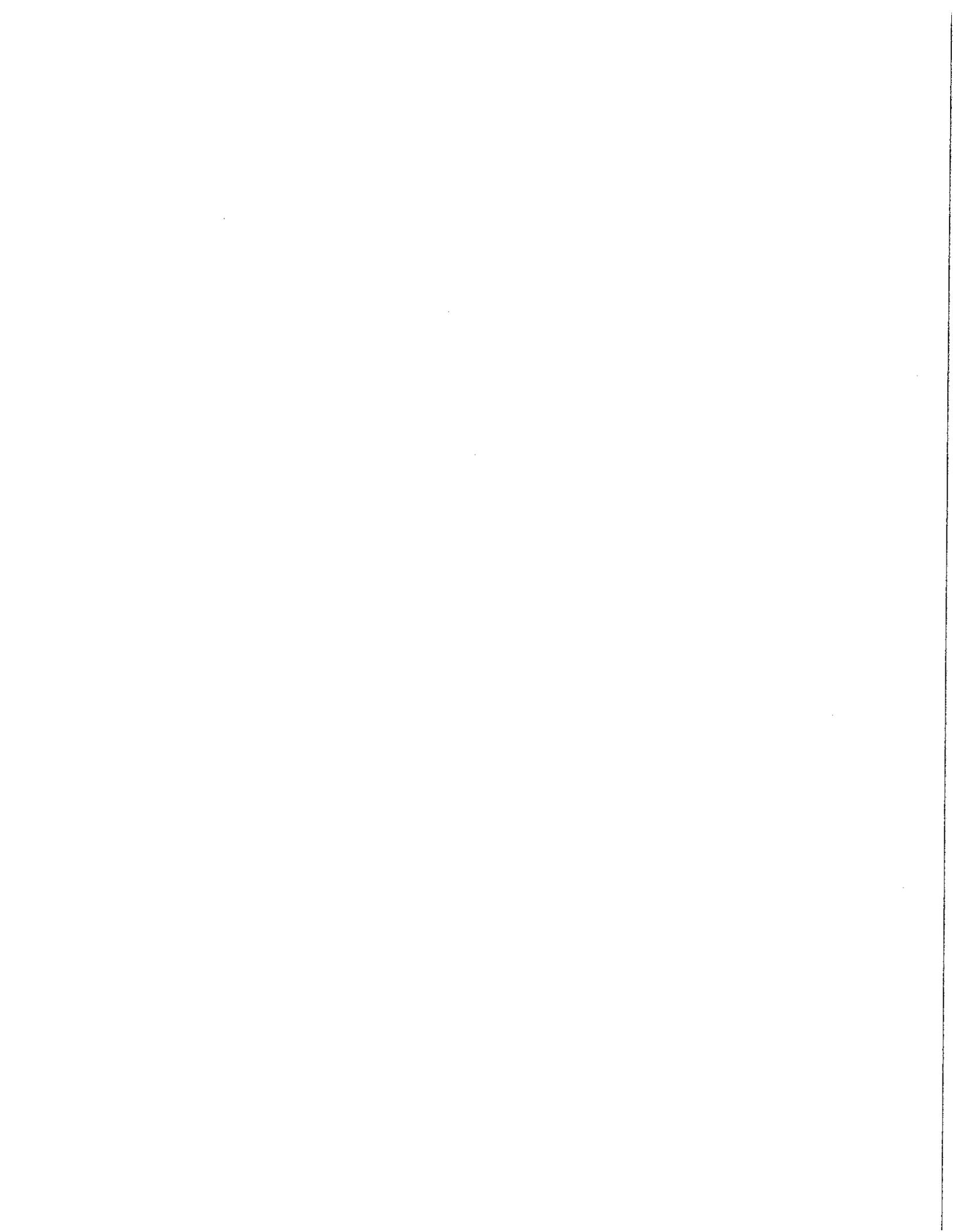
"Odd" (Green) and "Even" (Yellow) day spaces correspond to "Odd" (1,3,5) or "Even" (2,4,6) days of the month as determined by 12:00 noon of each day.

If there are no "Odd" or "Even" spaces left in one of these parking lots, then you must find the proper "Odd" or "Even" space in one of the other City-owned lots.

Violators will be ticketed or towed at the owner's expense.

If you have any questions about the Winter Parking Ban or Winter Overnight Parking Rules for City owned lots on Beaver, Washington, and Cross Streets, please call the Belfast Police Department at (207) 338-2420.

Thank you for your patience and understanding as our Public Works crews do their best to keep these lots clear of snow so that they are available for use. And as always, please have a safe winter season.



**City of Belfast
Consent Agenda
Tuesday, October 15, 2024
Meeting #8**

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

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an off-premises catering permit for Delvino LLC d/b/a Delvino's for the Chamber of Commerce Gala on November 8, 2024, from 4:00 p.m. to 9:00 p.m. located at the United Farmers Market of Maine, 18 Spring Street, Belfast, Maine.**

Motion to approve an off-premises catering permit for Delvino LLC d/b/a Delvino's for the Chamber of Commerce Gala on November 8, 2024, from 4:00 p.m. to 9:00 p.m. located at the United Farmers Market of Maine, 18 Spring Street, Belfast, Maine.

- B. Request to approve an off-premises catering permit for Delvino LLC d/b/a Delvino's for the Community Dog Fundraiser on October 12, 2024, from 4:00 p.m. to 9:00 p.m. located at the grassy area adjacent to, 48 Main Street, Belfast, Maine.**

Motion to approve an off-premises catering permit for Delvino LLC d/b/a Delvino's for the Community Dog Fundraiser on October 12, 2024, from 4:00 p.m. to 9:00 p.m. located at the grassy area adjacent to, 48 Main Street, Belfast, Maine.



Memo

To: City Manager Erin Herbig
From: Chief Robert Cormier
cc: City Council
Date: 10/08/24
Re: Hiring request for Police Officer Andrew Parker

Dear Erin

To fill a current full-time Police Officer vacancy, we would like to hire Officer Andrew Parker as a full-time Police Officer. Andrew was one of 11 finalists who attended oral boards held on March 28th. Since then, Andrew has successfully completed the background process, polygraph and psychological testing required by the Maine Criminal Justice Academy. Andrew is a full-time certified Police Officer with 5 years of Police experience with the City of Baltimore Maryland Police Department. He attended Dallastown High School in York Pennsylvania where he was raised and then went onto Baltimore Community College where he studied Criminal Justice.

We truly feel Andrew will be a great addition to our team and he looks forward to getting out and meeting everyone in the community. At this time, I would respectfully request to hire Officer Andrew Parker as a full-time Police Officer for the City of Belfast Police Department.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert Cormier".

Chief Robert Cormier

10.C



CITY OF BELFAST, MAINE 04915
131 Church Street

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

MUNICIPAL ELECTION WARRANT
November 5th 2024

WALDO COUNTY, SS

To: _____ a police officer of Belfast, Maine.
You are hereby required in the name of the State of Maine to notify the voters of Belfast, Maine of the election described in this warrant.

To the voters of Belfast, Maine in **Wards 1, 2, 3, 4, & 5**
You are hereby notified that the Municipal Election in this municipality will be held at the following locations: Wards 1 thru 4 at the Tarratine- 153 Main Street; Ward 5 at United Methodist Church - 23 Mill Lane on Tuesday, November 5, 2024 for the purpose of electing to the following offices:

- 1-Councilor for Ward One for a two year term until November 2026
- 1-Councilor for Ward Two for a two year term until November 2026
- 1-Councilor for Ward Five for a two year term until November 2026
- 1-Warden for Wards Three and Four for a two year term until November 2026
- 1-Warden for Ward Five for a two year term until November 2026
- 1-Deputy Warden for Wards One and Two for a two year term until November 2026
- 1-Deputy Warden for Ward five for a two year term until November 2026
- 2-RSU# 71 Board of Directors for three year terms until November 2027

The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. on the Fifth (5th) day of November 2024.

The registrars of voters will be available at Belfast City Hall Monday through Thursday, from 7:00 a.m. to 6:00 p.m., as well as each polling location during the election from 7:00 a.m. to 8:00 p.m., to correct any error in or changes to name or address on the voting list and to accept any new registrations of persons eligible to vote.

All persons not registered may vote in any election by registering to vote on or before Election Day.

Dated: October 15th 2024

Mary Mortier, Councilor Ward One

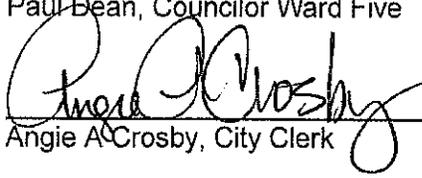
Neal Harkness, Councilor Ward Two

Brenda Bonneville, Councilor Ward Three

Christopher Bitely, Councilor Ward Four

Paul Dean, Councilor Ward Five

A True copy of the Warrant, Attest:



Angie A Crosby, City Clerk



CITY OF BELFAST, MAINE 04915

131 Church Street

MUNICIPAL ELECTION WARRANT
November 5th 2024

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

Constables Return:

State of Maine

Waldo, SS:

Date: October 15th 2024

To the Municipal Officers of the City of Belfast:

On the 29th day of October 2024, pursuant to the forgoing Warrant, I,
_____ notified the voters of the City of Belfast of the
time and place for the Annual Municipal Election by posting an attested copy of said
Warrant at the entrance to the following voting places:

The Tarratine – 153 Main Street - for Wards 1 thru 4

United Methodist Church – 23 Mill Lane – for Ward 5

In said City of Belfast, in public and conspicuous places in said City, on the 29th day of
October 2024 being at least seven (7) days prior to the day set for said election.

Dated: _____

Police Officer

10.D+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: October 1, 2024
RE: Facility Use Requests

The City of Belfast Parks and Recreation Department is presenting the following facility use requests for the City Council's October 15, 2024 Regular Agenda.

10.D

PTAC Committee

Earlier in 2024, the City of Belfast's Pedestrian, Transportation, and Accessibility Committee held a public workshop at the Belfast Boathouse. The group is requesting to hold a 2nd public workshop for the Active Transportation and Accessibility Plan. The Committee members will be responsible for setting up for the event as well as cleaning up post-event. The group requested Wednesday, December 4 from 5:30-8:30 PM, which includes their set-up, event, and clean-up time. This use of the Boathouse would fall under the City's General Liability Insurance since a City Committee will be utilizing the space.

The Belfast Parks and Recreation Department requests a formal waiver approval for this City-based Committee rental; the value of the rental for this date is \$140 which typically requires a \$75 security deposit.

10.E

Economic Development & Maine Office of Community Development

The Belfast Economic Development department, in conjunction with the Maine Office of Community Development, are partnering to celebrate a successful partnership for Belfast project funding. These two groups are requesting use of the Belfast Boathouse for this presentation.

The Economic Development staff will be responsible for setting up for the event as well as post-event cleaning. These groups requested Monday, October 28 from 12-5 PM, which includes set-up, event, and cleaning. The use of the Boathouse would fall under the City's General Liability Insurance since this is a city-sponsored event. The Belfast Parks and Recreation requests a formal waiver approval for this City-based presentation; the value of the rental for this date is \$140 which typically requires a \$75 security deposit.



10.D



**Facilities Use Request
City of Belfast, Maine**

EVENT: Active Transportation and Accessibility Plan workshop and presentation

DATES: 12/4/2024 **EVENT REPRESENTATIVE:** Bruce Snider

PROPOSED LOCATION/AREA TO BE USED: Belfast Boathouse

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

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

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

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

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

Bruce Snider, 207-322-6232, bdeansnider@gmail.com

Pedestrian, Transportation, and Accessibility Committee

2) Describe in detail the nature of this event (What are you planning on?):
A community meeting and workshop to present and discuss Belfast's newly drafted Acti

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

The Belfast Boathouse

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

Wednesday, December 4, 2024 from 5:30 to 8:30

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

No

If yes, then who will manage these closed off Streets?

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

No

7) How many people do you expect?

75

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

No

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

Where? - Attach MAP No alcohol

By Whom: Name and Phone contact number:

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

No

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

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

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

N/A

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

No

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

None

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

Spoken presentation

16) How do you propose to handle garbage removal?

We will bag and remove garbage

17) How do you propose to handle parking?

Self-parking in adjacent lots

18) How do you propose to handle security?

None required

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

Rest rooms in building will be sufficient

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

Electricity for lighting and computer presentation; water for rest rooms

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

No; we don't anticipate any unusual traffic or noise.

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

Bruce Snider 207-322-6232 bdeansnider@gmail.com

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

No

Department

Service Requested

City Manager

Police

Fire/ Ambulance

Parks

Public Works

Harbor

Other?

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



FACILITY USE APPLICATION CHECKLIST

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

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

Signature

Date:

9/30/24

Printed Name:

BRUCE SNIDER



ADMINISTRATIVE COMMENTS
(Internal City use only)

City Manager's Office

Police Department

Fire/Ambulance Department

Parks Department

Public Works Department

Harbor Master

Boat House Rental Agent

Other Notes:

**These 2 pages require your initials &
MUST be returned with your Rental Agreement**

1. OCCUPANCY CAPACITY (SEE Page 2, Rental Agent's letter during PANDEMIC)

Regulation for Belfast Boathouse occupancy for any event is a maximum of 150 people seated or a maximum of 200 people standing.

1. Educational style seating with tables: **Maximum capacity: 150**
2. Sit-down dinner with round tables: **Maximum capacity: 150**
3. Reception style events with standing room only: **Maximum capacity: 200**
4. Auditorium style (or sitting in rows of seating): **Maximum capacity: 175**

***Please note that occupancy maximums DO NOT increase with the use of a tent.**

***No tents are allowed on any paved area.**

2. CERTIFICATE OF LIABILITY INSURANCE

Liability insurance must be obtained for the duration of the event (including set-up and clean-up) to cover any function held at the Boathouse (this can usually be obtained through a homeowner's insurance policy or various web sites).

The **City of Belfast** must be named as the **Certificate Holder** on the Insurance Certificate (see Exhibit D) and;

The City of Belfast must be named as an **additional insured** in the coverage. **This means you need to name the City of Belfast with the language as an "additional insured" and that your insurance company will defend the City of Belfast against any claims. Insurance policies without this language included in the Certificate of Liability will not be accepted by the City of Belfast.**

The coverage will be no less than \$1,000,000 and a copy of the insurance coverage (Certificate of Liability) dating the event will be provided to the Boathouse Rental Agent at least 14 days prior to the event.

If a licensed caterer provides and/or sells (cash bar) alcoholic beverages at the Boathouse, the caterer will need to apply for an Off Premises Permit at Belfast City Clerk's Office and also provide liability insurance coverage in the amount of **\$1,000,000**. A copy of the insurance coverage must be provided to the Boathouse Rental Agent 14 days prior to the date of the event (**an example of an acceptable form is found at Exhibit D.**)

TK

Renter's Initials

10/1/2024

Date

3. DAMAGE, CLEANING & MAINTENANCE RULES

Renter must leave the Boathouse in the exact same condition it was in before the event, including bathrooms (as listed in Boathouse Cleaning Checklist marked as Exhibit E and posted in the Boathouse entrance). No staples, nails, or duct tape are to be used on the walls or floors. Floors and kitchen area must be cleaned. Tables/chairs are returned to storage area making sure no damage has been done to furniture, interior or exterior of the building. All food, garbage, decorations, etc., must be removed from Boathouse property. If Boathouse is **not** left in accordance with these rules, and after inspection by the Boathouse Maintenance Manager, **Renter will forfeit their Security Deposit and also be charged for the cost to repair damage.** The Renter shall also report any damages that occur to the property during their event to Boathouse Rental Agent as soon as practical.

UPHOLSTERED CHAIRS ARE NEVER TO BE USED OUTSIDE THE BUILDING

4. ADDITIONAL GUIDELINES

1. The Belfast Boathouse is a smoke-free environment.
2. After proper payment, acceptance of keys must be arranged with the Parks and Recreation Director at (207) 338 3370 ext. 127 or by email at parksandrec@cityofbelfast.org.
- 3. Please note that the Belfast Boathouse is an unstaffed facility.**
4. Any additional cooking or catering equipment must be approved by the Rental Agent.
5. All requests for tents must be pre-approved by the Rental Agent. No tent can increase the seating capacity outlined for the Boathouse. No stakes can be driven into any paved surface.
6. Any additional equipment, staging, non-traditional decorations must be pre-approved by the Rental Agent.
7. No vehicles are permitted inside the Boathouse.
8. The Public is not permitted inside the Boathouse when it is rented for a private event. The Police may be contacted if unwanted visitors refuse to leave.
9. The City of Belfast cannot guarantee that there will not be any construction in the area, in the Harbor, or other events in the surrounding public spaces.

TK
Renter's Initial

10/1/2024
Date

RENTAL AGREEMENT FOR BOATHOUSE

Name of Business, Organization or Individual Renter: City of Belfast (in partnership with the Main

Mailing Address: City of Belfast, Belfast City Hall, 131 Church Street

(This address will be used to return any refunded monies)

City, State and Zip Code: Belfast, Maine 04915

Telephone: (207) 338-3370, ext. 116 Alternate Telephone: (207) 469-5618

Email: economicdevelopment@cityofbelfast.org

Rental Date(s): 10/28/2024 Rental Time*: 12:00pm-5:00pm

*Rental Time should include set-up and clean-up time; be sure to indicate the actual time of the event on next line.

Actual Event Time: 2:00pm-4:00pm Day(s) of Week: Monday

Type of Event: presentation Number of People Attending Event: 50

Do you plan to serve alcoholic beverages? Yes No

1. This rental agreement also includes, and they are incorporated by reference here, all of the Boathouse Rental Rules and Regulations and their Exhibits.
2. By signing this agreement, you are accepting the terms of all of these Boathouse rental rules and regulations, and their Exhibits, and all of your obligations that relate to them.
3. This agreement also includes the rental fee schedule, cancellation policy and security deposit requirements.
4. By signing this agreement, you are saying that you accept the terms of the rental fee schedule, times of the rental period, deposit requirements and security deposit requirements.
5. Insurance: An insurance liability policy must be obtained and submitted to the City of Belfast for approval two weeks in advance of the event. A copy must be sent to the Parks and Recreation Director at Belfast Parks and Recreation for review and approval parksandrecreation@cityofbelfast.org. It is very important that the policy be in the amount of \$1,000,000 (one million dollars) and that the City of Belfast is named the additional insured.
6. I specifically agree to leave the Boathouse in the same exact condition it was in when I pick up the key, before my event. This cleanliness standard that I agree to is spelled out in Exhibit "E"
7. Security Deposit: By signing this agreement, I agree that the security deposit can be used by the City to offset loss or expense to the City of Belfast for damage to the Boathouse facility and grounds, failure to completely clean the facility as required, failure to return keys within 48 hours after the event and failure to follow any of the Boathouse rules and regulations, or other provisions that have been incorporated into and made part of this agreement. Unauthorized use of Steamboat Park or other City property will completely forfeit any right I may have had to a return of any portion of my security deposit.

If for any reason the amount of the security deposit is not sufficient to pay for these damages and costs, then I agree to be personally responsible for the financial difference and will promptly pay the City within 30 days of receipt of the demand for payment for charges in excess of the previously paid security deposit. If I fail to pay these charges as specified, then I agree that I will also be responsible for the City's legal fees associated with the legal prosecution of a collection claim against me for these charges in court. I also understand and agree that if there are any monies left in the security deposit that are in excess of the damages, or other specified charges and expenses sustained by the City, then this balance will be returned to me by mail within 30 days after the event.

8. **Keys: The Boathouse remains locked when not in use by a renter. You must make arrangements with the Parks and Recreation Director, the Rental Agent for the Boathouse, to authorize the date and time for you the pick-up the key prior to your event date. Keys will not be given out without this authorization. This key will be picked up and returned (within 48 hours after your event) at Belfast City Hall, at the Park and Recreation Office. \$50 will be deducted from the Security Deposit for any key not returned promptly.**

TOTAL RENTAL FEE \$ 0 (this should be a **SEPARATE** check from your Security Deposit check)

RENTAL FEE DEPOSIT \$ 0

RENTAL FEE BALANCE DUE \$ 0 DUE ON DATE: _____

SECURITY DEPOSIT (This should be a **SEPARATE** check)

AMOUNT \$ 0 DUE ON DATE: _____

• **Checks should be made payable to the City of Belfast. Credit card payment is not accepted. Please mail signed Rental Agreement, initialed Rules & Regulations, and check payments to:**

Belfast City Hall
Belfast Parks and Recreation
Attn: Boathouse
131 Church Street
Belfast, ME 04915

Payments, Security Deposits and Cancellation Policy:

Rentals booked less than 90 days in Advance:

Full payment required with signed Rental Agreement. No Refund applicable.

Rentals booked more than 90 days in advance:

50% Deposit due with signed Rental Agreement.

Balance due 90 days prior to the event with the appropriate Security Deposit.

Security Deposit is required 30 days before event and will be refunded within 30 days after the event, less any charges as outlined above. **The Security Deposit Fee is \$250 for a rental for more than 24 hours, and \$75 for single-day only events. This includes a key deposit of \$50 for keys not returned within 48 hours.**

Cancellations: Must be in writing and will follow the schedule on the Rental Fee Schedule page.

I certify that I am at least twenty-one (21) years of age. I have read and fully understand the Rental Agreement and also the rules and regulations for renting the Boathouse located at 34 Commercial Street in Belfast, Maine. I am an authorized representative of above listed business, organization or event and will abide by all rules and regulations set forth by this agreement. I understand and fully agree to forfeiture of any or all deposits if I am not in compliance with the terms set forth by this agreement. In signing this form, I myself, or as a representative of the above listed business or organization, release the City of Belfast from any and all liability in case of death or injury received during the use of the Belfast Boathouse facilities.

Signed: Thomas Kittredge Date: 10/1/2024
Renter

Signed: Pamela J. Salokangas Date: 10/2/2024
Pamela J. Salokangas, Parks and Recreation Director
Belfast Boathouse, Rental Agent

10.F+G



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: October 3, 2024
RE: Parks and Recreation Ordinances

The Belfast Parks and Recreation Department is presenting drafts of City of Belfast Parks and Recreation Ordinances that fall under Chapter 38, Article II. These drafts show suggested changes and additions to provide more robust statutes for the management of the city's park spaces.

The department invited Police Chief Cormier to review these ordinances, particularly the sections related to parks operations, in order to determine if the additional language would assist his department in the oversight of the parks' spaces when necessary. Chief Cormier attended the October 1, 2024, Parks and Recreation Commission meeting and was able to provide insight into the department's suggested changes, and he also answered many questions from Commission members related to the process when someone may violate one of these ordinances. Suggestions from that meeting have been incorporated into these drafts being presented for their first review. Below are justifications for the suggested changes for City Council's consideration.

It is important to note that if these ordinances are approved, some additional funding requests for the next budget cycle may come forward as there will be a need to update old signage and install new signage where it is missing. Based on Chief Cormier's input, the department has a good idea of where signage will need to be placed to ensure its visibility, and it may need to be located in multiple locations for the larger Belfast City Park.

Article II

Per conversation with City Administration, and to align with other City committees, it is being suggested that the Commission be renamed to the Parks, Trails, and Recreation Committee. This name change also reflects that the Belfast Rail Trail falls under the jurisdiction of Parks and Recreation, and that any future trails would be placed under this same oversight. This name change does not change any of the other operational procedures for this group. Therefore, throughout this draft, you will see that the





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Parks and Recreation Commission language has been changed to Parks, Trails, and Recreation Committee.

Section 38-33. Membership

Early in July 2024, the membership of this group changed from five (5) to nine (9) members, and the ordinance language now reflects that larger membership body and notes that terms will be staggered. This section also includes who is eligible to be appointed to the group. Furthermore, additional language recommends that the City Council appoint the Alternate Member to fulfill any unexpired term if someone is no longer able to serve, and then move to the process of finding a new Alternate Member. This allows the group to retain voting membership while searching for a new Alternate Member.

In Section 38-35. Meetings, item (h) has been updated to reflect the correct quorum since the membership is now nine (9) members.

Section 38-43. Sub-Committees

Since the group is changing from the term Commission to Committee, the title of this section needed to be updated to Sub-Committees for clarification purposes only; there are not any policy-related changes to this section.

The following sections refer to the rules and regulations the City has in place for community park use.

Parks and Park Areas

This section needed to be updated to include formal names of the parks in the City's inventory, and to update one park name since there was a formal name change just a few years ago. This language now clarifies that the rangeways or right-of-ways for water access also fall to this department. With these updates, the department and City Council can begin to formalize operations specifically for the rangeways / right-of-ways now that they fall to this department for oversight and maintenance.

Sec. 38-73. Penalty

Because there is current and potential for repeat offenders, the penalty language was updated to discourage park users from breaking park rules and regulations.





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Sec. 38-75. Waiver of regulations.

This section was clarified by adding the vision of City Council to not preclude use of parks by the general public even if there are scheduled activities or events within these facilities.

Sec. 38-76. Hours.

There were some discrepancies on Belfast City Park hours between this section and Sec. 38-84 (c), so these two sections now have the same proposed hours. Additionally, in witnessing operations within Belfast City Park in 2024 regarding operational hours versus the lighted courts which allow use later into the evening, this section needed to be clarified so that we can communicate hours correctly to our park users.

In discussing hours, a 10 PM City Park closing was supported versus the 11 PM closing, especially if court lights are in use for late night play. Since the court lights are very close to residences, the group opted to suggest a 10 PM closing, asking for court lights to be off at 9:45 PM, leaving users 15 min. to return to their vehicles and depart the park facility. Typically, in the summer months during daylight savings time, lights are turned on by players at the courts between 7:30-8 PM (twilight/dusk) and remain on until closing and sometimes beyond closing hours. In the future, we'd like to moderate these lights with a pre-programmed timer; this would assure our residential neighbors that lights would be off at 10 PM and not left on accidentally which does happen quite often in the current operational style.

Lastly, we clarified that all other parks are open sunrise to sunset as there are no other lighted fields at this time nor any reason to stay open past dark. If lights are added in the future, this ordinance can be updated.

Sec. 38-80. Peddling or Soliciting.

This section had additional clarifying language added since we do allow sales with certain special events; earlier this year, we did have issues with peddling and soliciting outside the boundaries of a special event and wanted to ensure that the ordinance was clear for any future instances of this behavior.

To clarify, this language doesn't eliminate buskers from performing or from having a donation box; if City Council would like to address busking within the parks, language can be added. Park on Main had a small stage area added where buskers are allowed to perform without requiring a permit.

All other organized activities on city sidewalks or property should be processed through the City's permitting process.





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Sec. 38-81. Dogs.

It was important to clarify this ordinance as the department staff have witnessed this year behavior that does not meet the original language. There are countless violations of the leash law in the City's park system, and violations are not being issued for those who ignore the leash law. The Director has encountered several people ignoring the leash law as they move from the parking lot to the Belfast Dog Park inside of Walsh Field or from the parking lot to the Harbor Walk or Steamboat Landing Park, where sometimes the dogs remain off-leash during their visits. Therefore, clarifying language has been added to this section with an exception noted for special events with off-leash animal demonstrations with approval in advance.

There is a real need to educate our community about the importance of the leash law and how it can be harmful for dogs to be off-leash, despite many dog owners assuming that their dog is well trained and will heel at all times. This is not always the case, and all dog owners should heed the leash law to protect their dog and other's dogs.

Sec. 38-83. Littering.

Additional language was added to cross-reference Chapter 50, Sec. 50-149 as it relates to city parks. Department staff have witnessed repeat offenders dropping household trash at all parks. These large bags fill our trash containers very quickly, which does not allow park users to dispose of their trash properly. Based on the updated penalty section, confirming violators by opening those household trash bags to find name/address information may be necessary to curb this behavior.

Sec. 38-84. Vehicle regulations (c).

This section (c) was clarified to include any vehicle type particularly because of overnight parking violations that still occur despite clear signage. "Boondocking" has become a real issue locally with these small vehicles being converted into campers; people have called ahead to ask where they can "boondock." "Boondocking is a type of camping where you go off the grid and camp without access to electricity, water, or sewage hookups. It's also known as dispersed or dry camping. Boondocking can be done in a variety of ways, including: 1) staying overnight in a business parking lot; 2) camping on public lands, such as national forest, BLM land, or state lands; or 3) camping in remote areas away from crowds." We are seeing folks stretch the definition of item #2 above into local park lands, particularly at Belfast City Park and the Belfast Boathouse.

Sec. 38-85. Smoking prohibited.

This section was a single sentence, and in light of the different styles of smoking currently, the group felt





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the need to expand on this ordinance. Expanding definitions also provides additional options for the Belfast Police Department when there is an issue. It is the Director's opinion that we should properly place additional Smoke Free Area signage throughout our parks in locations that make sense [places where there are already other signs (sign grouping), on fences near ballfields and playgrounds, or other gathering areas] so as not to clutter the parks.

Sec. 38-86. Open Fires/Grills.

This section was an important addition due to the increasing number of requests for campfires, camp stoves, personal propane/Hibachi-style grills, etc. We have noted that these types of requests will not be honored in any park, and that open fires are allowed only in Belfast City Park and Heritage Park within the pre-installed grills in the various picnic areas of these parks. This language also defines what can be burned in the city-owned, pre-installed grills and the expectation of ensuring that the grill briquettes are not burning upon departure. We added the additional exception for city-wide, permitted bonfires such as a traditional bonfire during a city-sponsored event.

Sec. 38-87. Alcohol.

This section was also an important addition since the ordinances hadn't previously defined special event park designations versus a standard park definition. Typically, all parks are alcohol-free for general use, rentals, park activities, etc. However, because the City of Belfast has a robust special event schedule, it was important to define the parks where special events can host alcohol as part of the event versus the standard parks where alcohol should be not allowed—where your playgrounds, pools, sports fields, and children's areas are located. Therefore, this section defines our waterfront parks as large, special event locations, and suggests what permits are needed to host a public event where alcohol may be provided. Language also identifies the Belfast Police Department as the enforcer for public intoxication if that is ever needed. We define the use of paper cups and ban glasses, glass bottles, and plastic cups from these events. Additionally, we note the State of Maine Open Container Law as it relates to vehicles driving or parked in city parks. This new ordinance would eliminate the Belfast City Park pavilion from hosting any rentals that plan to serve/provide alcohol.

Sec. 38-88. Belfast Boathouse.

We utilized the previous Alcohol section verbiage and added a reference for the Belfast Boathouse, since this rental facility isn't defined as a park, but is part of the inventory of parks and recreation facilities. This facility does allow alcohol inside and outside within the fenced boundary of the Boathouse. Through the rental program, the department has already been providing the appropriate guidance for events regarding caterers and their licensing, insurance and the alcohol endorsement, and





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the additional insured piece for the City of Belfast. Smaller family-style events would still be able to host BYOB options, but the alcohol endorsement within general liability insurance will remain important in these scenarios. We also note the Belfast Boathouse as a Smoke Free facility, in line with the rest of the parks.

Sec. 38-89. Firearms in City Parks.

This was an important section to add because Maine has both an open and concealed carry policy; since the State's policy also has a provision related to alcohol and firearms, it was important to note the State policy in our ordinances where it relates to the large special events held in our parks where alcohol is provided.

Sec. 38-90. Other Ordinances.

The group felt it important to note the other Chapters/Sections where there are ordinances that relate to parks like Belfast Rail Trail, skateboards, and city property. It's good to cross-reference other ordinances so that anyone reviewing park ordinances can see the other chapters/sections for additional information.



Chapter 38. Parks and Recreation

Article II. Parks, **Trails**, and Recreation **Committee** **Commission**

Sec. 38-31. Established.

[Ord. No. 21-1996, art. I, § 1, 2-6-1996]

There shall be a City **P**arks, **T**rails, and **R**ecreation **committee** **commission**.

Sec. 38-32. Purpose.

[Ord. No. 21-1996, art. II, § 1, 2-6-1996; Amd. of 1-2-2013]

The **P**arks, **T**rails, and **R**ecreation **C**ommittee, under the general direction of the City **C**ouncil, shall advise the City **M**anager and the **P**arks and **R**ecreation Director as to the custody, care and management of the parks and their facilities, not inconsistent with the duties of the Parks and **R**ecreation **D**irector.

The object of the **P**arks, **T**rails, and **R**ecreation **C**ommittee is to:

(1)

Advise the City **C**ouncil, City **M**anager, and **P**arks and **R**ecreation **D**irector as to the establishment, maintenance and improvement of City parks and open areas, including range ways and right-of-ways to the water, and as to the recreational needs of the community.

(2)

Provide volunteer support for the City parks and for City-sponsored recreational activities.

(3)

To serve as a liaison between the public and City government in matters pertaining to the parks.

(4)

To work with outside individuals, groups, and other local recreational resources and entities to foster quality activity in the parks and to coordinate local recreational programming in the City.

Sec. 38-33. Membership; appointment and term of members; vacancies.

[Ord. No. 21-1996, art. III, §§ 1-5, 2-6-1996; Ord. No. 26-2008, 1-2-2008; Amd. of 1-2-2013]

(a)

The membership of the **P**arks, **T**rails, and **R**ecreation **C**ommittee shall be **seven nine (9)** members. All members shall be residents of the City, **or shall be business owners or an employee of a local business, or someone who has experience in the field of parks and recreation.**

(b)

The term of office shall be three years, **with staggered terms.**

(c)

Each year, the City Council shall meet and appoint a new member to succeed the outgoing member **or reappoint a current member whose term is expiring, for the term of three years**. Such member(s) will take office when appointed.

(d)

In the event of the resignation of any Parks, Trails, and Recreation Committee member, or their death, inability to serve, or absence without acceptable reasons from three regular consecutive meetings, the City Council shall appoint **the current alternate a** member to finish any unexpired term that might remain, **and appoint a new alternate member to maintain the nine (9) member committee**.

Sec. 38-34. Compensation of members.

[Ord. No. 21-1996, art. VIII, § 3, 2-6-1996]

All members of the Parks, Trails, and Recreation Committee shall serve without remuneration.

Sec. 38-35. Meetings.

[Ord. No. 21-1996, art. IV, §§ 1-9, 2-6-1996; Amd. of 9-6-2011(1); Amd. of 1-2-2013]

(a)

Regular meetings of the Parks, Trails, and Recreation Committee shall be held the second Thursday of each month during the year, unless an alternative schedule is approved by the **Committee commission** and posted and noticed on the City website.

(b)

The Parks and Recreation Director will make an effort to be at the monthly meetings of the **Committee commission**.

(c)

All regular meetings are to be held at City Hall, **unless an alternative location is approved by the Committee and posted and noticed on the City website**.

(d)

Special meetings shall be called by the chair or upon the written request of at least two members.

(e)

The regular meeting held in September of each year shall be known as the organizational meeting. The purpose of this meeting shall be **to the review writing of the Parks and Recreation Department's** annual report, and other business that may need to come before such meeting.

(f)

The purpose of the regular December meeting shall be the election and installation of officers, namely the chair and the secretary.

(g)

(Reserved)

(h)

Four Five (5) voting members constitute a quorum at any regular or special meeting. **Four-Five (5)** votes, present at the meeting, will be needed to pass any motion of the committee.

(i)

All meetings shall be open to the public.

Sec. 38-36. Officers.

[Ord. No. 21-1996, art. V, §§ 1, 2, 2-6-1996; Amd. of 1-2-2013]

(a)

The officers of the **P**arks, **T**rails, and **R**ecreation **C**ommittee shall be a chair and a secretary, who shall be elected at the December meeting to serve for one year or until a successor shall be elected and qualified.

Sec. 38-37. (Reserved)

[1]

Editor's Note: Former Section 38-37, adopted 2-6-1996 by Ord. No. 21-1996, which contained provisions on election of officers, was repealed 1-2-2013.

Sec. 38-38. Duties of chair.

[Ord. No. 21-1996, art. VI, § 1, 2-6-1996; Amd. of 1-2-2013]

The chair shall preside at all meetings of the **P**arks, **T**rails, and **R**ecreation **C**ommittee, and shall assume or delegate to another **C**ommittee **c**ommission member, the responsibility for communicating **C**ommittee **c**ommission perspective, recommendations or decisions to the City **C**ouncil, City **M**anager or City **P**arks and **R**ecreation **D**irector.

Sec. 38-39. Duties of secretary.

[Ord. No. 21-1996, art. VI, § 3, 2-6-1996; Amd. of 1-2-2013]

The secretary shall keep a record of the proceedings of the **P**arks, **T**rails, and **R**ecreation **C**ommittee. Once approved, minutes of meetings should be filed with the **C**ity **C**lerk **E**xecutive **A**ssistant for recording and distribution.

Sec. 38-40. (Reserved)

[1]

Editor's Note: Former Section 38-40, which contained provisions on authority to inspect recreational facilities, was repealed 1-2-2013.

Sec. 38-41. Duties.

[Ord. No. 21-1996, art. VIII, §§ 1, 2, 2-6-1996; Ord. No. 36-2005, 4-5-2005; Amd. of 1-2-2013]

(a)

The **P**arks, **T**rails, and **R**ecreation **C**ommittee, under the general direction of the City **C**ouncil, shall advise and make recommendations to the council, City **M**anager and **P**arks and **R**ecreation **D**irector as to the custody, care and management of the City parks and parks facilities.

Specifically, the **C**ommittee **c**ommission will provide advice and give recommendations on:

(1)

Annual budget expenditures.

(2)

Rules and regulations in the parks.

(3)

Establishing multi-year capital project plans and **in for** setting priorities for capital project work.

(4)

Establishing policies for **park** uses **of the parks**.

(5)

Recreational program-related matters.

(6)

Gifts of money, equipment or property to the City for the parks.

The **Committee commission** will not be involved in the day-to-day operation of the parks nor in the direction or management of any City employee.

Sec. 38-42. **Sub-Committees.**

[Ord. No. 21-1996, art. IX, § 1, 2-6-1996; Amd. of 1-2-2013]

Special sub-committees may be appointed by order of the **P**arks, **T**rails, and **R**ecreation **C**ommittee as needs may arise. Such **sub**-committees shall not necessarily be restricted to members of the present **Committee commission**.

Sec. 38-43. (Reserved)

[1]

Editor's Note: Former Section 38-43, adopted 2-6-1996 by Ord. No. 21-1996, which contained provisions on amendments to rules, was repealed 1-2-2013.

Sec. 38-44. through Sec. 38-70. (Reserved)

Sec. 38-71(Reserved) [1]

[1]

Editor's Note: Former Section 38-71, adopted 4-17-1979, as amended 1-4-2000 by Ord. No. 40-1999, which contained provisions on purpose, was repealed 1-2-2013.

Sec. 38-72Definitions.

[Ord. of 4-17-1979, § 2; Ord. No. 40-1999, § 2, 1-4-2000; Ord. No. 36-2005, 4-5-2005; Amd. of 11-15-2011; Amd. of 1-2-2013]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PARKS AND PARK AREAS

The areas of the City specifically set aside for the common use of its citizens for the purpose of recreation and enjoyment. They shall include the Belfast City Park, Belfast Common, **Belfast Harbor Walk, Park on Main**, Steamboat Landing **Park**, Heritage Park, **Overlock Skate Park**, Wales Park, Walsh Field Recreation Area, **Four Seasons Recreation Area Pendleton Park**, Sportsman Park, Kirby Lake and its environs, Eleanor Crawford Park, **Belfast Rail Trail, and the City of Belfast Rangeways and/or Recreational Right of Ways (ROW).** ~~and the so-called Mini Park in East Belfast.????~~

Sec. 38-73Penalty.

[Ord. of 4-17-1979, § 12; Ord. No. 21-1996, 2-6-1996; Amd. of 1-2-2013]

Any person violating any of the provisions of [section] 38-76 up to and including [section] 38-~~89~~**85** of this article shall be fined up to \$50 **for the first and second offense, and \$250 for repeat offenses thereafter per-offense.** In addition to any fine, the court may order restitution to the City for any damages to ~~the~~ City **property** resulting either directly or indirectly from such violation.

Sec. 38-74Enforcement.

[Ord. of 4-17-1979, § 11]

This article shall be enforced by the City **P**police **D**department, or by the **C**county **S**sheriff's **D**department and the **M**aine **S**tate **P**police when requested by the City **P**police **D**department or the City **M**anager.

Sec. 38-75Waiver of regulations.

[Ord. of 4-17-1979, § 13; Amd. of 1-2-2013]

Upon written application, the City **C**ouncil may by order vary or suspend the operation of any section of this article for a specified period of time if the applicant establishes that:

(1)

The proposed activity or use of the park(s) will not unreasonably interfere with or detract from the general public's enjoyment of the park(s), **and the proposed activity will not preclude the use of the park by the general public.**

(2)

The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.

(3)

The proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by the City.

Sec. 38-76Hours.

[Ord. of 4-17-1979, § 3; Ord. No. 21-1996, 2-6-1996; Ord. No. 40-1999, § 3, 1-4-2000; Ord. No. 19-2005, 12-6-2005; Amd. of 5-18-2011; Amd. of 1-2-2013]

It is hereby established that the hours during which the various individual park areas are open for public use shall be set from time to time by the City Council and shall be enforceable when posted by signs set in a reasonable location at or near the primary entrances to such parks.

The **Belfast** City Park will be closed from 10:00 p.m. until 6:00 a.m., **during the regular operating season. The basketball/pickleball and tennis lights must be off by 9:45 p.m.** The park's playground ~~within the park~~ will be closed from dusk until dawn. Vehicles **and pedestrians** are prohibited from entering the park from **10:00 p.m. until 6:00 a.m., during the regular operating season dawn to dusk.** The ~~opening period~~ **operating season** shall be May 1 through November 15, unless weather conditions make it unfeasible for the park to be open these days, or unless weather conditions and the condition of the park would permit the park to be opened earlier than May 1 or be closed later than November 15. Weather-determined changes to the ~~opening period~~ **operating season** may be determined by the **P**arks and **R**ecreation **D**irector and the City **M**anager.

The Belfast City Park's gate will be closed in the non-operating season, and all vehicles are prohibited from entering the park from any access point.

All other park areas are open from dawn to dusk throughout the year.

Sec. 38-77Speed limit.

[Ord. of 4-17-1979, § 4; Ord. No. 21-1996, 2-6-1996]

The vehicular speed limit in all City parks shall be 10 miles per hour.

Sec. 38-78Motor vehicles prohibited in certain areas.

[Ord. of 4-17-1979, § 5; Amd. of 1-2-2013]

No person shall operate or park a motor vehicle in a park other than on a public roadway or a designated parking area.

Sec. 38-79**Remaining in park after closing hours.**

[Ord. of 4-17-1979, § 6]

No camping, tenting, or parking of motor vehicles, **RVs, and small campers** shall be allowed in a park after closing hours.

Sec. 38-80**Peddling or soliciting.**

[Ord. of 4-17-1979, § 7]

No soliciting or peddling shall be allowed in any park area **s, unless this activity is associated with a special event or activity organized or permitted by the City of Belfast.**

Sec. 38-81**Dogs.**

[Ord. of 4-17-1979, § 8]

Dogs much be on-leash in all City parks. The regulations regarding dogs and the leash law in chapter **10** shall apply to **all of** the City parks, **to include Walsh Field Recreation Area and the Belfast Dog Park. Dogs are only allowed to be off-leash within the fenced boundaries of the Belfast Dog Park and at Sportsman Park. Special animal exhibits or animal demonstrations will be allowed with prior approval at permitted special events.**

Sec. 38-82**Horseback riding.**

[Ord. of 4-17-1979, § 9; Amd. of 1-2-2013]

Horseback riding shall be prohibited in City parks, except Sportsman Park.

Sec. 38-83**Littering.**

[Ord. of 4-17-1979, § 10]

The state laws restricting littering shall apply to the City parks. **It is unlawful under Chapter 50, Section 50-149 to dump household trash bags into City parks' trash containers. Any violation will be reported to the City Police Department for appropriate action.**

Sec. 38-84**Vehicle regulations in Belfast City Park.**

[Ord. of 8-5-1997, § 9515; Amd. of 1-2-2013]

(a)

Speed limit. No person shall drive or operate a vehicle of any type within the limits of the Belfast City Park ~~on the generally easterly side of Northport Avenue, so called,~~ **or within any park areas**, in excess of the speed of 10 miles per hour.

(b)

Operation off of designated areas. No person shall operate ~~a any~~ **of any type** vehicle outside of the roadways or parking lots except when in conjunction with a duly issued special use permit. Any

person who shall violate or assist in the violation of this subsection shall be subject to a fine of \$50, **and will pay additional restitution for damage to public property.**

(c)

Leaving vehicle in park at night. No vehicle **of any type** shall be left, either attended or unattended, in the **Belfast City Park** during the hours between 10:00 p.m. and 6:00 a.m. Any vehicle found in the park during these hours will be subject to removal at the registered owner's expense. **No vehicle of any type shall be left, attended or unattended, in any park area between dusk and dawn.**

(d)

Direction of travel. No person shall operate any vehicle of any type within the limits of the Belfast City Park except in one direction traveling around the roadway in the park. When entering the City park all vehicles shall turn to the right and follow the roadway around the park in one direction, **following the directional signage.** Any person who shall violate or assist in the violation of this subsection shall be subject to a fine of \$50.

Sec. 38-85 Smoking prohibited.

[Amd. of 9-6-2011(2)]

There shall be no smoking or tobacco use in any **of the City's parks to include open spaces, pavilions, playgrounds, pools, trails, courts, parking lots, roadways, benches, tables, gazebos, etc.**

Smoking is defined as the inhaling, exhaling, burning, or carrying any lighted devise including cigars, cigarettes, pipes, e-cigarettes to include nicotine or cannabis products (vaping), or any other incendiary or heated tobacco or plant product, including marijuana, intended for inhalation, whether natural or synthetic in any manner or in any form.

All City parks will be clearly marked as Smoke Free areas.

Sec. 38-86 Open Fires/Grills

Open fires are not permitted in any Belfast city park, parking lot, rangeway or right-of-way; this includes open fires from a campfire, a camp stove, a propane grill, a Hibachi-style grill, or other similar devices.

The are ONLY two exceptions to this ordinance. The first exception is within Belfast City Park and within Heritage Park where park users may utilize the pre-installed single charcoal grills in the parks' picnic areas; only charcoal briquettes can be used in these grills. Burning of firewood, paper, cardboard, or other debris is not permitted. Grill users should ensure that all briquettes have been broken and spread apart and that all flames are extinguished with water before departing the facility. The second exception is for city-sponsored or permitted special events that desire to host a bonfire/campfire; these events must have the appropriate special event permit from the City Council, and the appropriate fire permit from the Belfast Fire Department, along with the appropriate fire-fighting equipment such as fire extinguishers or water tanks.

Sec. 38-87Alcohol

The Belfast City Park is an alcohol-free area, to include all individual areas within the park—pavilion, pool, playground, courts, trails, parking lots and roadside parking, beach, sports fields, arboretum, meadows, etc.

All other City Parks are alcohol-free except those parks near the waterfront which are designated as large special event locations: Steamboat Landing Park, Heritage Park, and Belfast Common. Appropriate State of Maine and City of Belfast permits are required to host a special event that will have an alcohol component (i.e., full-service catering permit, Incorporated Civic Organization License, etc.), along with the appropriate \$1,000,000 general liability insurance requirements to include the liquor liability policy endorsement, and an additional insured notation for the City of Belfast. For any special events, the Belfast Police Department will be the agency to enforce public intoxication.

In these Special Event situations, all alcohol must be served in paper cups and within designated and bounded areas; glasses or glass bottles and plastic cups are not permitted as part of these events.

Generally, the State of Maine's Open Container Law applies to all vehicles driving or parked within any City of Belfast parks or park areas.

Sec. 38-88Belfast Boathouse

The Belfast Boathouse is the only rentable indoor/outdoor facility that allows alcohol as part of a rental program; this facility, owned by the City of Belfast, is managed by Belfast Parks and Recreation.

The Belfast Boathouse and its immediate grounds (inside the fence) allow alcohol to be served during events and activities. Appropriate State of Maine and City of Belfast permits are required to host a special event at the Boathouse if it will have an alcohol component (i.e., full-service catering permit, Incorporated Civic Organization License, etc.). Small family and friend events may also serve alcohol for their private events. Renting the Belfast Boathouse requires the appropriate \$1,000,000 general liability insurance requirements, to include the liquor liability policy endorsement (for large or small events), and an additional insured notation for the City of Belfast.

At the Belfast Boathouse, all alcohol must be served in paper cups and remain within designated and bounded area; glasses, glass bottles, and plastic cups are not permitted as part of these rentals.

The Belfast Boathouse is a Smoke Free facility.

Sec. 38-89Firearms in City Parks

The City of Belfast defers to the Maine State Law designated for open and concealed carry of firearms; "those people who are not otherwise prohibited from possessing a firearm can carry a concealed handgun in the State of Maine without a permit. Those people who meet that criteria must be 21 yrs. old except anyone who is 18 yrs. old and who is on activity duty in the

Armed Forces or the National Guard, and who is not otherwise prohibited from carrying a firearm. A person who is 18-20 yrs. old and without the referenced military qualifications must have a permit to carry concealed. This law applies to both Maine residents and non-residents.”

The most important exception to this law relates to special events within the City’s parks; it is illegal to carry, openly or concealed, at establishments licenses for on-premises consumption of liquor. Special event designated areas where alcohol is sold/served would prevent an individual from carrying a firearm.

Sec. 38-90Other Ordinances

It’s important to note that within the City of Belfast’s Ordinances, Chapter 50 (Streets, Sidewalks, and other Public Places) has relatable and established ordinances that relate to Parks and recreational activities. Please review Chapter 50, Article V (Skateboards), Article VI (Belfast Rail Trail), and Article VIII (Regulations That Apply to All City Property).

10.H,I,J+K



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NOTE TO BELFAST CITY COUNCIL

OCTOBER 7th, 2024

**PROPOSED ORDINANCE AMENDMENTS REGARDING
MANUFACTURED HOUSING COMMUNITY STANDARDS AND
INTOWN DESIGN REVIEW COMMITTEE**

FROM BUB FOURNIER, DIRECTOR OF PLANNING AND CODES DEPARTMENT

10.J+K **Manufactured Housing Community Standards**

Manufactured Housing Communities, known as mobile home parks by the State of Maine, are defined as a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. In Belfast, the City has adopted Supplementary District Regulations located in Article VIII, Division IV of the Chapter 102 Zoning ordinance to provide standards for development of these communities. These standards supersede some of the dimensional requirements in Chapter 102 Zoning, Technical Standards in Chapter 98, and even some of the standards in Chapter 94 Subdivision that would otherwise regulate these developments. These provisions allow Manufactured Housing Communities to be more densely developed than other types of subdivisions, adding to the financial feasibility of such developments.

Beginning at a joint housing workshop between the Belfast City Council and Planning Board on January 31, 2023, the City has been looking at increasing opportunities for development of Manufactured Housing Communities. At that meeting, the City's adopted standards for constructing roads in mobile home parks was identified as out of sync with the State minimum standards for mobile home parks. At the time, City Council members encouraged Planning and Codes staff to work with the Planning Board on potential ordinance amendments to bring the City's Code in line with State minimum road construction standards. On September 27, 2024 the Planning Board held a workshop that included the topic in more detail, outlining potential benefits and pitfalls for an ordinance amendment. The Board asked staff to amend the density allowed for Manufactured Housing communities in regard to public sewer, shared septic systems and individual septic systems. Following that meeting, the City's Housing and Property Development Committee discussed the subject and generated a letter of recommendation to the Planning Board to consider amending the City ordinance as well.

At an ordinance amendment workshop on April 10th, 2024, staff presented draft language that would accomplish the goals discussed at the previous meetings. Accompanying the draft language was a letter from the City Engineer providing further guidance on the subject. In summary, the City Engineer stated that such a change in standards could result in some potential construction cost savings for developers, although they may not be without added costs in maintenance. The City Engineer also offered some thoughts regarding emergency vehicle access on narrow one-way 12' wide streets and the potential for paving to facilitate narrower road construction. The City Engineer did not raise any red flags for the potential amendment. After discussion, the Board asked staff to incorporate more streamlined language regarding density standards that mirror the State requirements and prepare for a public hearing.

Finally, on September 11, 2024, the Planning Board reviewed final language for the proposal and voted unanimously to recommend the proposal for City Council adoption.

Intown Design Review Committee

The draft language for consideration by the City Council concerns minimal restructuring of the Intown Design Review Committee to come into alignment with the other City Committees regarding membership, terms, and operational structure. Councilors may recall an agenda item on June 18, 2024, where Planning and Codes staff and the City Manager discussed these proposed changes. Subsequent meetings with the Intown Design Review Committee and the Planning Board have followed, and the Board voted in favor 6-1 on September 11, 2024, to recommend the changes.

The Intown Design Review Committee is one of sixteen committees within the City of Belfast and is the largest of the established committees. This Committee is unique from others, except the Planning Board, in that it issues permits constituting land use regulations.

The proposed amendments would bring the total number of members to 9, which happens to be the current number of members. The proposal also includes three-year staggered terms so that only a third of the Committee would ever need to be reappointed or complete their term in any given year. Also, the proposal includes the adoption of an acting chair at the beginning of each meeting and sets a quorum of three members. Finally, the proposal includes requiring a vote of the majority of members at any given meeting to carry any motion. The current Chapter 80 Intown Review Committee section of the Code does not contain any details regarding these housekeeping items, typically found in other Committees' and Boards' policies or the City Ordinance.

First Readings

Staff would like to present the draft language on both proposals at your upcoming meeting. This meeting would be the First Reading of the proposed amendments, and I request that you consider directing staff to arrange a Second Reading and Public Hearing at your upcoming meeting of November 7, 2024. Following the Second Reading and public hearing on each proposal, the City Council could potentially adopt, table or amend the proposal. Only the City Council can adopt any proposed Ordinance Amendments.

Typical format of Amendments

All text shown in black font is current text in the adopted City Code of Ordinances. All text shown in **red font** is new language that is proposed to be added. All text shown with ~~blue-strike-through~~ is to be removed. All text shown in **green font** are notes for the Board and other readers.

DIVISION 4
Mobile Homes and Manufactured Housing

Subdivision I. In General

Sec. 102-981. Standards for mobile homes and manufactured housing units. [Ord. No. 28-1997, § 1400.0, 3-4-1997 ; Ord. No. 42-1997, 4-15-1997]

- (a) General standards. All manufactured housing unit installations shall:
- (1) Comply with the State of Maine Manufactured Home Installation Standard, chapter 900, as now existing or subsequently amended; and
 - (2) Provide for an air test or water test of the wastewater line and demonstrate that the line is free from any and all leaks.
- (b) Mobile homes manufactured before June 16, 1976. Any mobile home unit manufactured before June 16, 1976, shall meet the following criteria:
- (1) A licensed master electrician shall inspect and certify that the mobile home meets the standards of the City electrical code (National Electrical Code).
 - (2) The local plumbing inspector shall certify that the mobile home contains a trap for each plumbing fixture.
 - (3) A licensed master oil burner technician shall inspect and certify that the existing heating system is in compliance with:
 - a. The provisions of 32 M.R.S.A. ch. 33.
 - b. The current edition of NFPA 31.
 - c. All standards and regulations adopted by the state solid fuel board.
- (c) Modifications. No modifications may be made to any a mobile home or manufactured housing unit unless it is in compliance with HUD standards.

Sec. 102-982. through Sec. 102-1000. (Reserved)

Subdivision II. Manufactured Housing Communities

Sec. 102-1001. Compliance with applicable regulations; conflicting regulations. [Ord. No. 28-1997, § 1301.0, 3-4-1997 ; Ord. No. 19-2001,¹, 11-7-2001]

Except as stipulated in this subdivision, manufactured housing communities shall comply with all state laws and City ordinances and codes, and shall meet the requirements of the subdivision law.

If the provisions of this subdivision come in conflict with the standards found in article V of this chapter or the provisions of chapter 98, the provisions of this subdivision shall govern.

-
1. **Editor's Note: This ordinance also amended the title of Subdivision II, changing it from "Mobile Home Parks" to "Manufactured Housing Communities."**

Sec. 102-1002. Lot size, width and density. [Ord. No. 28-1997, § 1302.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

Lots in a manufactured housing community shall meet the following lot size, ~~and~~ width, ~~and~~ ~~density~~ requirements:

- (1) The following shall apply to lots served by public sewer:
 - a. Minimum lot area: ~~6,500~~ **5,000** square feet.
 - b. Minimum lot width: 50 feet.
- (2) The following shall apply to lots served by individual subsurface wastewater disposal systems:
 - a. Minimum lot area: 20,000 square feet.
 - b. Minimum lot width: 100 feet.
- (3) The following shall apply to lots served by a central subsurface wastewater disposal system:
 - a. Minimum lot area: ~~12,000~~ **5,000** square feet.
 - b. Minimum lot width: 75 feet.
- (4) The overall density of a manufactured housing community served by a central subsurface wastewater sewage disposal system shall be no greater than one unit per 20,000 square feet of total manufactured housing community area, **inclusive of roads.**
- (5) Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
- (6) Lots within a shoreland zone, as defined in chapter 82, shall meet the lot area, lot width, setback, and shore frontage requirements for that shoreland zoning district.
- (7) The overall density of the manufactured housing community shall not exceed the maximum density permitted of the zoning district in which the manufactured housing community is located. The overall density shall be based on the combined area of its mobile home lots plus:
 - a. The area required for road rights-of-way;
 - b. The area required for buffer strips, if any;
 - c. For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
 - d. The area within any required shoreland setback.

Sec. 102-1003. Lot setbacks. [Ord. No. 28-1997, § 1303.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

Mobile homes in a manufactured housing community that are adjacent to a public road shall be set back from the public road a distance equal to the setback requirements for other residential

developments in the zoning district in which the manufactured housing community is located.

Sec. 102-1004. Submission of plans. [Ord. No. 28-1997, § 1304.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

A developer who elects to create a manufactured housing community where all land is under one ownership shall submit a plan showing all lots and shall demonstrate that the development standards described in this subdivision are met.

Sec. 102-1005. Roads. [Ord. No. 28-1997, § 1305.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

- (a) Privately owned roads within a manufactured housing community shall be designed by a professional engineer licensed in the state, and shall be built according ~~to road construction standards in chapter 98.~~ **Standards identified by the State of Maine Manufactured Housing Chapter 850 Community Licensing Standards (Appendix B).**
- (b) Roads within a manufactured housing community which are to be offered for acceptance by the City shall meet the minimum road standards of chapter 98.
- ~~(c) Roads shall have a minimum right of way of 23 feet, of which 20 feet shall be paved. This provision shall supersede the road width requirement found in chapter 98 unless the manufactured housing community constitutes a total land area of 20 or more acres.~~ **Reserved.**
- (d) A road in a manufactured housing community which intersects with public roads shall meet the following standards:
 - (1) Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
 - (2) Grade. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - (3) Minimum sight distance. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of the shoulder line with the height of the eye 3.5 feet above the pavement and the height of the object 4 1/4 feet. Where necessary, the land in the manufactured housing community bordering the intersection shall be cleared of all growth and sight obstructions.
 - (4) Distance from other intersections. The centerline of any street within a manufactured housing community that intersects an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

Sec. 102-1006. Open space. [Ord. No. 28-1997, § 1306.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

For a manufactured housing community served by a public sewer, an area no less than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and usable by all residents of the manufactured housing community. Parking space, driveways and streets, and buffer areas are not considered usable open space, but community recreation buildings, pools, and courts are considered as open space.

Sec. 102-1007. Buffer strips. [Ord. No. 28-1997, § 1307.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

- (a) A fifty-foot-wide buffer strip shall be provided along all property boundaries of a mobile home park that:
 - (1) Abut residential land which has a gross density of less than half of that proposed in the manufactured housing community; or
 - (2) Abut residential land that is zoned at a density of less than half of that proposed in the manufactured housing community.
- (b) No structures, streets or utilities may be placed in the buffer strip, except that they may cross a buffer strip to provide services to the manufactured housing community.

Sec. 102-1008. Sale or conveyance of lots. [Ord. No. 28-1997, § 1308.0, 3-4-1997 ; Ord. No. 19-2001, 11-7-2001]

No lot in a manufactured housing community may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the size requirements of the district in which it is located.

Sec. 102-1009. through Sec. 102-1030. (Reserved)

Summary: This chapter establishes licensing standards relating to minimum lot size, potable water, plumbing, fuel supplies, electrical connections, life and fire safety, streets, and nuisances.

1. Minimum Lot Size

Unless grandfathered pursuant to Section 10 of this chapter.

1. Public Sewage Utility

Each site that is served by a public sewage utility shall contain a minimum of 5,000 square feet, exclusive of roads.

2. Central Subsurface Sewer System

Each site that is served by a central subsurface sewer system shall contain a minimum of 5,000 square feet, exclusive of roads, provided that the entire community contains at least 20,000 square feet for each site in the community, inclusive of roads. The 20,000 square foot minimum authorized by this subsection may be increased by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services, if necessitated by soil conditions, pursuant to Chapter 241 of the Rules of the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services entitled "Maine Subsurface Wastewater Disposal Rules."

3. Individual Sewage Systems

Each site that is not served by a central subsurface sewer system or a public sewage utility shall contain a minimum of 20,000 square feet, inclusive of roads.

2. Potable Water

Water Supply

A manufactured housing community must have an adequate supply of potable water at all times. In the event of contamination or system failure, the community shall immediately procure an emergency supply of potable water via tanker or other means for drinking, cooking and sanitation purposes at its own expense.

3. **Plumbing**

Generally

A community shall comply at all times with Chapter 241 of the Rules of the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services entitled "Maine Subsurface Wastewater Disposal Rules."

4. **Fuel Supplies**

1. **Outside Oil Supply Tanks**

The provisions of this subsection, "Outside Oil Supply Tanks," apply to new installations and replacement installations made on or after the effective date of this chapter.

- A. Oil supply tanks shall not be installed on wood or other combustible surfaces or supports.
- B. Outside oil supply tanks of 350 gallons or less shall be supported in accordance with Section 4(1)(C) or (D) of this chapter. Tanks larger than 350 gallons shall comply with all rules of the Maine Fuel Board.
- C. A horizontal oil supply tank shall be mounted on steel pipe legs, not exceeding 12 inches in height with floor flanges at the base of the steel legs, supported by four 4 x 8 x 16 inch solid cement blocks, or a one piece minimum 3 inches thick reinforced concrete pad not smaller than the tank dimensions. The four blocks or the concrete pad shall rest on a firm subgrade consisting of a bed of compacted, well-draining gravel (6 inch minimum), crushed stone (6 inch minimum), or some other subgrade approved by the Board. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(a) below.
- D. An upright or vertical oil supply tank shall be mounted on steel pipe legs not exceeding 12 inches in height, with floor flanges at the base of the steel leg, and supported by a minimum 3 inches thick reinforced concrete pad. The reinforced concrete pad's width and length shall not be smaller than the tank dimensions. The concrete pad shall be of one piece construction. The concrete pad shall rest on a bed of compacted, well- draining gravel (6 inches minimum), crushed stone (6 inches minimum), or some other subgrade approved by the Board. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(b) below.
- E. An outside oil supply tank servicing a manufactured home as defined in Chapter 820, Section 1(7)(B) of the Board 's rules may only be installed by a licensee of the Maine Fuel Board, including a manufactured housing mechanic or dealer who holds a limited license from the Maine Fuel Board to install outside oil tanks at manufactured housing pursuant to 10 M.R.S. §2401.

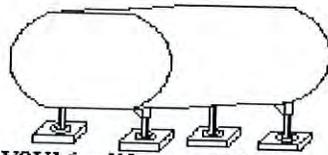


Figure 12 (a) Tank footing & support for horizontal tanks of 350 gallons or less outside of buildings.

1. Footing, one (1) 4X8X16 solid cement block for each leg. Blocks to rest on 6" of compacted, well draining gravel or 6" of crushed stone, or some other subgrade approved by the Board.
2. Supports, maximum 12 inch legs with floor flanges.
3. Leg brackets shall not be used for supports on blocks.
4. Bottom of tank shall have a minimum of four (4) inch clearance from any surface.

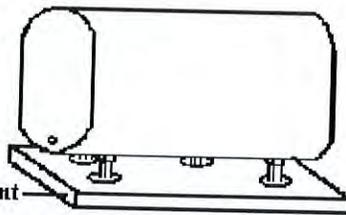


Figure 12 (b) Tank footing & support for upright or vertical tanks of 350 gallons or less outside of buildings.

3" reinforced cement slab.

1. Footing, must be 3" reinforced cement slab (one piece construction) and rest on 6" of compacted, well draining gravel or 6" of crushed stone, or some other subgrade approved by the Board.
2. Supports, maximum 12 inch legs with floor flanges.
3. Leg brackets shall not be used for supports on blocks.
4. Bottom of tanks shall have a minimum of four (4) inch clearance from any surface.

- F. Outside tanks and piping must be located such that they are not subject to falling snow or ice. To meet this requirement, the tank and outdoor piping must be installed with a protective cover over the tank valve, oil filter and other piping without structural support or not attached to the side of the building.
- G. All oil supply lines shall be protected from physical damage or corrosion.

2. Supply Connections/Oil Shut-off Valves

- A. A listed lever or wheel, thermally operated oil shut-off valve designed to shut off the oil supply in case of fire, shall be installed at the burner, at the supply tank, and where the oil supply line enters (inside) the building when outside tanks are used.
- B. Whenever the oil supply is taken from the top of an oil tank, whether the oil tank is outside or inside, a thermally operated wheel or lever type shut-off valve shall be installed at the tank and at the burner for control of the fuel. A check valve may be used in the supply line, but no valve or obstruction shall be placed in a return line connected to a burner or pump. A thermally operated valve is required on supply lines from outside tanks at the entrance inside the building and shall be located just inside of the structure wall.

3. **Storage of Liquefied Petroleum Gas (Propane) Cylinders**

- A. Cylinders having water capacities greater than 2.7 lb. (1.2 kg) and connected for use shall stand on a firm and substantially level surface. If necessary, they shall be secured in an upright position. Department of Transportation cylinders in permanent installations must rest on noncombustible materials.
- B. Cylinders not in use shall be removed from the community. The provisions of this paragraph are applicable to cylinders of 1000 lb (454 kg) water capacity, or less, that are not connected for use, whether filled, partially filled, or empty (if they have been in LP-Gas service).

5. **Electrical**

A community shall comply at all times with NFPA 70, *2014 National Electrical Code*, as adopted for Maine in Chapter 120 of the rules of the Electricians' Examining Board.

[**Note:** A list of code provisions commonly violated is attached to this chapter as Appendix A. This is not a substitute for the entire *National Electrical Code*.]

6. **Life and Fire Safety**

1. **Identification**

Each home in a community shall be clearly marked for identification in a uniform manner that is clearly visible from the street serving the site.

2. **Fire Prevention**

All areas and individual sites within a community shall be maintained so as to be free of debris that could contribute to the spread of fire within the site or community.

3. **Firebreaks**

No portion of a manufactured home, excluding the hitch, shall be located closer than 10 feet (3 meters) side to side, 8 feet (2.4 meters) end to side, or 6 feet (1.8 meters) end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a 1 hour fire-resistance rating or the structures are separated by a 1 hour fire-rated barrier.

7. **Streets**

1. **Construction Standards**

Community streets shall meet the Street Construction Standard for Manufactured Housing Communities contained in Appendix B to this chapter.

2. **Setback**

No manufactured home or any part thereof shall be installed within 5 feet of any traveled way.

3. **Access by Emergency Vehicles and Essential Services**

All streets within a community shall be constructed and maintained so as to afford adequate access by emergency vehicles and essential services.

4. **Drainage**

All streets within a community shall be constructed and maintained so as to provide adequate drainage from and adjacent to the roadway.

8. **Pads**

1. **Grade**

Grades shall slope away from all pads to adequate outfall. There shall be no standing water on the surface underneath a home.

2. **General Construction**

Pads shall be constructed so that homes which are installed in accordance with the Board's Manufactured Housing Installation Standards shall maintain plumbing trap seals, experience no buildup of solid waste in drain piping, and maintain egress doors and egress windows.

9. **Nuisances**

No community shall cause, tolerate or permit any of the following hazards or conditions within the community:

1. Storage of trash in other than designated areas;
2. Storage of trash in inadequate, insecure or overflowing containers;
3. Unsecured vacant homes;
4. Missing or insecure manhole or septic system covers;
5. Trees that have been certified as hazardous by a licensed arborist;
6. An abandoned or discarded chest, closet, piece of furniture, refrigerator, freezer or other article having a compartment capacity of 1 1/2 cubic feet or more;

7. Any activity, structure, object or land use prosecutable as a public nuisance pursuant to 17 M.R.S. §2802 as it relates to manufactured housing communities; and
8. Any dangerous, unsanitary or unhealthful condition that threatens the safety or welfare of the community.

10. Grandfathered Exceptions

Any site licensed prior to September 23, 1983 that is not in compliance with the provisions of this chapter listed below shall be deemed acceptable if, in the judgment of the Board, the community is operated in a safe and sanitary manner. A repair, replacement or installation may perpetuate a nonconformity, but may not exacerbate it.

- Section 1 (Minimum Lot Size)
 - Section 6(3) (Life and Fire Safety; Firebreaks)
 - Section 7(1) (Streets; Construction Standards)
 - Section 7(2) (Streets; Setback)
-

STATUTORY AUTHORITY: 10 M.R.S.A. §9085

EFFECTIVE DATE:

April 1, 1984

AMENDED:

August 25, 1984

April 28, 1986

February 23, 1987

August 17, 1988

March 14, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

AMENDED:

March 5, 1997 - Sec. I (A)

March 5, 1997 - Appendix. A & B

NON-SUBSTANTIVE CORRECTIONS:

August 6, 1997 -

"nitrite" inserted in Appendix A(II)(1), and "Speed" inserted in Appendix B Intersections (B), both in accordance with the March 5, 1997 amendment; minor spelling and punctuation.

REPEALED AND REPLACED:

November 8, 2003 - filing 2003-403

NON-SUBSTANTIVE CORRECTIONS:

March 3, 2004 - renumbering in Appendix C (page 15)

AMENDED:

August 30, 2015 – filing 2015-161

Appendix A to Chapter 850

COMMONLY-VIOLATED PROVISIONS OF THE *NATIONAL ELECTRICAL CODE*(®)

(code provisions not reproduced verbatim)

1. Minimum depth for direct-buried service or feeder cable [Table 300.5]
 - 24" under park roads
 - 18" from the service equipment location to the home served (applies when service equipment is within 30' of the exterior wall of the home)
 - 24" for all other locations
2. Minimum depth for buried PVC conduit enclosing service or feeder conductors [Table 300.5]
 - 24" under park roads
 - 18" from the service equipment location to the home served (applies when service equipment is within 30' of the exterior wall of the home)
 - 18" for all other locations
3. Protection from damage for direct-buried service and feeder cables emerging from grade [Table 300.5 (D)(1)]
 - PVC or other approved electrical raceway shall be installed continuous from the electrical service equipment to 18" below grade. Where metal raceways are used, a bushing shall be installed at the base of the conduit to prevent damage to the conductors.
4. Unused openings in electrical equipment [110.12(A)]
 - Unused cable or conduit openings in meter sockets, disconnects, and other electrical equipment shall be effectively closed to provide protection that is equivalent to the wall of the equipment.
5. Mounting of electrical equipment [110.13(A)]
 - Electrical equipment shall be firmly secured to the surface on which it is mounted. Also, the mounting surface must be solidly supported.
6. Enclosing energized parts [230.62(A)]
 - The interior cover of service disconnects must be installed to avoid accidental contact with live parts.
7. Ground movement [300.5(J)]
 - Where direct-buried conductors or underground raceways are subject to movement from frost action, provision shall be made to protect the conductors and equipment from damage. "S" loops in underground direct burial to conduit transitions, and expansion fittings in vertical conduits are usually effective.
8. Securing the grounding electrode conductor [250.64(B)]
 - The conductor from the service equipment to the ground rod shall be securely fastened to the surface on which it is carried.
9. Methods of grounding to ground rods [250.70]
 - The grounding conductor must be solidly connected to the ground rod by the use of an approved clamp, listed for direct soil burial.

Note: Direct buried conductors and cables emerging from grade and specified in Column 1 and 4 of Table 300.5 shall be protected by enclosures or raceways extending from the minimum cover distance below grade required by 300.5 (A) to a point at least 8' above finish grade.

NATIONAL ELECTRICAL CODE(®) IS A REGISTERED TRADEMARKS OF THE NATIONAL
FIRE PROTECTION ASSOCIATION.

Appendix B to Chapter 850**STREET CONSTRUCTION STANDARDS FOR
MANUFACTURED HOUSING COMMUNITIES****Roadways**

- A. Minimum thickness of material after compaction

Street Materials	Minimum Requirements
Aggregate sub-base course (Max sized stone 4")	12 inches ¹
Crush aggregate base course	3 inches

- B. Before clearing has started on a community street, the center and side lines of the new street shall be staked or flagged at fifty foot intervals.
- C. It is recommended that before grading is started, the entire community street shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders and tree stumps shall be removed from the community street.
- D. All organic materials shall be removed to a depth of two feet below the subgrade of the street. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below. The subgrade shall be sloped to provide proper drainage.
- E. Except in a ledge cut, set slope shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loomed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
- F. It is suggested, when possible, that all underground utilities be placed behind the homes, however, those installed under streets shall be installed prior to paving to avoid cuts in the pavement. It is recommended that building sewers and water service connections shall be installed to the edge of the community street prior to paving.
- G. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetation matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	2-30%
No. 200	1-7%

- H. Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

- I. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	5-20%
No. 200	1-5%

- J. Aggregate for the base shall contain no particles of rock exceeding three inches in any dimension.
- K. Pavement joints. Where pavement is used and joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
- L. Pavements. It is recommended, if pavement is used, that minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum. It is recommended that minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.
- M. Roadway Width and Grade. The traveled width of a one-way street shall be a minimum of 12 feet. The traveled width of a two-way street shall be a minimum of 18 feet. If the road is paved, there shall be adequate shoulders to support the pavement. The roadway grade shall not exceed 10%.

Footnote: (1) The 12" aggregate base is in most instances not acceptable for municipal streets. If your long range plan is to have your community streets accepted as public ways, you should check with your municipality. Most municipalities require at least 18" aggregate subbase.

Intersections

- A. Grades of all streets shall conform to the terrain so that cut and fill are minimized.
- B. Where community streets intersect with public roads, recommended sight distances, as measured along the public way which traffic will be entering, and based upon the legal speed limit, are as follows:
- | | | | | | | | |
|-------------------------|-----|-----|-----|-----|-----|-----|-----|
| Legal Speed Limit (mph) | 25 | 30 | 35 | 40 | 45 | 50 | 55 |
| Sight distance (feet) | 250 | 300 | 350 | 400 | 450 | 500 | 550 |
- C. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle at the stop line of the community street, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.
- D. When necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

CITY CODE of ORDINANCES
CHAPTER 80, INTOWN DESIGN REVIEW
(Includes Amendments Adopted 3MAR18 and 7MAY24)
(Includes proposed language to support multi-family and “flex housing”
design review in Residential 1, 2, Residential 3, Downtown Commercial and
Waterfront Mixed Use 1 and 2 zoning districts)

DRAFT LANGUAGE FOR RESTRUCTURING
Proposed new language is in red
Proposed deleted language is in blue

Chapter 80 IN-TOWN DESIGN REVIEW

Article I. In General

- Sec. 80-1. Statement of purpose.
- Sec. 80-2 Definitions
- Sec. 80-3. Establishment of In-Town Design Review Committee.
- Sec. 80-4. Activities subject design review.
- Sec. 80-5. Areas subject to design review.
- Sec. 80-6. Guidelines for new construction, renovations and restorations.
- Sec. 80-7. Standards for demolitions or relocations.
- Sec. 80-8. Annual meeting of In-town Design Review Committee members.
- Secs. 80-9 -- 80-30. Reserved.

Article II. Applications and Process

- Sec. 80-31. Permit application.
- Sec. 80-32. Classification of permit application.
- Sec. 80-33. Review process for a Type 1 Mandatory In-town Design Review Permit
- Sec. 80-34. (Repealed on March 6, 2018, replaced on May 7, 2024). Review process for a Type 2 Major Voluntary In-town Design Review Permit.
- Sec. 80-35 Review process for a Type 3 Minor Voluntary In-town Design Review Permit.
- Sec. 80-36. Failure to submit permit application or obtain a permit.
- Sec. 80-37. Application fee.

Article III. Appeals.

- Sec. 80-50. Permit subject to appeal.
- Sec. 80-51. Administrative appeal of a Type 1 Mandatory In-town Design Review Permit.
- Sec. 80-52 Zoning Board of Appeals review of a Certificate of Economic Hardship.

Article I. In General

Sec. 80-1. Statement of purpose.

The City hereby establishes a design review process for all residential and nonresidential construction activities located within the city's commercial core, its downtown and the associated waterfront, and for all other proposed nonresidential, multifamily and flex housing construction activities located within most of the Route One bypass. The goals are:

- (1) To foster a healthy downtown commercial area;
- (2) To retain and enhance the existing character of the downtown and inside the bypass areas;
- (3) To strengthen the connection between the downtown and the waterfront;
- (4) To apply design review standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's character, while not stifling change;
- (5) To require or strongly encourage proposed new development, including the construction of new structures and the renovation or restoration of existing residential, nonresidential and mixed use structures, to be compatible with existing development, and to positively contribute to the character of the community;
- (6) To prohibit or strongly discourage the demolition or removal of existing "noteworthy" structures that have helped to shape and create the present character of the city; and
- (7) To encourage development of housing while conducting design review and maintaining economic feasibility for applicants.
- (8) To enable a diverse portfolio of housing "inside the bypass" that not only increases the availability and affordability of living options, but also supports and enhances Belfast's key strength as a welcoming, hospitable place to live. Residents from all walks of life need more housing that will provide them with walking access to shops, entertainment, and employment opportunities.

Architectural diversity is a hallmark of Belfast's neighborhoods. In this vein, the code encourages projects to be pedestrian friendly, with building mass, scale, fenestration, and landscaping fitting into the existing context of the neighborhood, without dictating a specific style.

The City will pursue these goals through a design review process that emphasizes a productive and respectful dialogue between the citizens, property and business owners, and developers who choose to live and work in the community, and the reasonable and flexible application of design standards identified in this chapter.

(Ord. of 3-27-2001, § 1.0)

Sec 80-2. Definitions.

Certificate of Economic Hardship. A certificate issued by the Planning and Codes Department evidencing a hardship variance approved by the Belfast Zoning Board of Appeals in accordance with Article III, Appeals, of this chapter.

Committee Facilitator. The staff representative from the Planning and Codes Department who serves as a non-voting Facilitator at each Committee meeting.

Department refers to the Planning and Codes Department.

In-town Design Review Committee. Committee appointed by the City Council that is responsible for conducting the review of permit applications identified in this chapter, and the review of other applications specifically identified in Chapter 102, Zoning.

Notice of Decision. The Notice of Decision identifies the findings of the In-Town Design Review Committee and the Committee's conditions of approval (conditions that an applicant must comply with) or recommendations (voluntary recommendations that an applicant is not required to comply with). Said Notice typically is prepared by the Committee Facilitator.

Type 1, Mandatory In-town Design Review Permit. A permit which requires applicant compliance with the findings and conditions established by the In-town Design Review Committee; reference Subsection 80.4(a) of this chapter.

Type 2, Major Voluntary In-town Design Review Permit. This definition was repealed on March 6, 2018 and replaced on May 7, 2024. A permit which requires an applicant to submit an application for review by the In-Town Design Review Committee of a proposed new or exterior alteration of any multi-family (3 or more dwellings per structure) or flex housing structure, but does not require an applicant to comply with the Committee's findings and conditions; reference Subsection 80.4(a) of this Chapter.

Type 3, Minor Voluntary In-town Design Review Permit. A permit which requires an applicant to obtain review by the In-Town Design Review Committee of a minor alteration to the exterior of an existing structure, but does not require an applicant to comply with the Committee's findings and conditions; reference Subsection 80.4(c) of this Chapter.

Sec. 80-3. Establishment of In-Town Design Review Committee.

- (a) Membership. The In-town Design Review Committee shall include no less than five and no more than ~~fifteen~~ **nine** qualified persons who have been appointed by the City Council. Five persons from this membership shall be selected to serve in the review of each project application subject to review as a Type 1 In-town Design Review Permit, and three persons from this membership shall be selected to serve in the review of each project application subject to review as a **Type 2 and** Type 3 In-town Design Review Permit.
- (b) Qualifications to serve. An individual must meet the following qualifications to serve on the In-town Design Review Committee:
 - (1) Must be a resident of the city; or
 - (2) A property owner in one of the areas subject to design review; or
 - (3) The operator of a business in an area subject to design review; and

- (4) Must have a demonstrated interest, knowledge, ability, experience or expertise in a field that involves construction, renovation or restoration of structures or downtown and waterfront development.
- (c) Term of appointment. A member shall be appointed for a period of three years and shall serve without compensation. A member may be appointed for additional terms. **Terms shall be staggered so that only one third of the committee members' terms expire in any given year.**
- (d) Committee Coordinator. One member of the committee may be assigned the role of serving as coordinator for the committee. The role of the coordinator would include but is not necessarily limited to: maintaining contact among committee members, arranging training sessions for committee members, publishing a newsletter, and assisting the Planning and Codes Department in the Committee performing its assigned responsibilities.
(Ord. of 3-27-2001, § 2.0)
- (e) Committee Acting Chair. One member of the committee shall be chosen at each development review for the role of acting chair. The chair shall preside at the meeting for which they have been chosen, direct the meeting based on the agenda, gather consensus, and work to maintain the efficiency and dignity of the committee.**

Sec. 80-4. Activities subject to design review.

In-town design review by the In-town Design Review Committee shall apply to the activities identified in subsections (a) and (c) of this section. This requirement also explicitly applies to all construction activities proposed by the city or other governmental, public or quasi-public agencies.

- (a) Type 1 Mandatory In-Town Design Review Permit.

The following construction activities that affect the exterior appearance of any structure occupied by a non-residential use on one or more floors, including such structures that also may include a residential use on one or more upper floors, that are proposed to occur in the following zoning districts shall be subject to obtaining a Type 1 Mandatory In-town Design Review Permit: Downtown Commercial, Residential 1, Residential 2, Residential 3, Waterfront Mixed Use 1 and Waterfront Mixed Use 2.

- (1) The construction of any new primary or accessory structure;
- (2) Any exterior alteration or construction to an existing structure that involves an increase or decrease in height of said structure or change in roof configuration, which also includes rooftop additions, fences or decks.
- (3) Any exterior alteration or construction to an existing structure that involves an increase or decrease in the footprint of an existing structure, which also includes the addition, alteration or removal of exterior stairs, stoop or bulkheads.

- (4) Window or door replacement for an existing structure that results in the enlargement or diminishment in the size of existing openings, or a change in the location of said openings.
 - (5) Any exterior alteration or construction to an existing structure that involves the addition, change or removal of any faced or cladding (facing) material or decorative trim.
 - (6) Any exterior alteration that involves the addition, change or removal of any deck, balcony, porch or pergola.
 - (7) The addition, change or removal of any appurtenances to the exterior of an existing structure such as but not limited to chimneys, antennae, satellite receiving dishes, and solar collectors that exceed two feet by two feet in size.
 - (8) The demolition or relocation of an existing structure.
 - (9) A request for a sign permit that involves erecting or altering a freestanding sign, and
 - (10) If a project that requires review as a Type 1 Permit also proposes to erect new or replace existing on-building signage, such signage shall be subject to Committee review.
- (b) Type 2 Major Voluntary In-town Design Review Permit. This subsection was repealed on March 6, 2018 and replaced on May 7, 2024. The following construction activities that affect the exterior appearance of any structure occupied by a multi-family or flex housing residential use on one or more floors, that are proposed to occur in the following zoning districts shall be subject to obtaining a Type 2 Major Voluntary In-town Design Review Permit: Downtown Commercial, Residential 1, Residential 2, Residential 3, Waterfront Mixed Use 1 and Waterfront Mixed Use 2.
- (1) The construction of any new primary or accessory structure;
 - (2) Any exterior alteration or construction to an existing structure that involves an increase or decrease in height of said structure or change in roof configuration, which also includes rooftop additions, fences or decks.
 - (3) Any exterior alteration or construction to an existing structure that involves an increase or decrease in the footprint of an existing structure, which also includes the addition, alteration or removal of exterior stairs, stoop or bulkheads.
 - (4) Window or door replacement for an existing structure that results in the enlargement or diminishment in the size of existing openings, or a change in the location of said openings.
 - (5) Any exterior alteration or construction to an existing structure that involves the addition, change or removal of any faced or cladding (facing) material or decorative trim.
 - (6) Any exterior alteration that involves the addition, change or removal of any deck, balcony, porch or pergola.
 - (7) The addition, change or removal of any appurtenances to the exterior of an existing structure such as but not limited to chimneys, antennae, satellite receiving dishes, and solar collectors that exceed two feet by two feet in size.
 - (8) The demolition or relocation of an existing structure.
- (c) Type 3 Minor Voluntary In-town Design Review Permit. The following construction activities that affect the exterior appearance of any structure occupied by a non-residential use on one or more floors, including such structures that also may include a residential use

on one or more upper floors, that are proposed to occur in the following zoning districts shall be subject to obtaining a Type 3 Minor Voluntary In-town Design Review Permit: Downtown Commercial, Waterfront Mixed Use 1 and Waterfront Mixed Use 2.

- (1) Window replacement within existing window openings.
 - (2) Door replacement within existing door openings.
 - (3) Replacement of existing stoops or steps.
 - (4) Addition or replacement of awnings.
- (d) Activities exempt from in-town design review. Design review shall not be required for the construction activities identified in subsections (a), (b) and (c) above, if the work consists solely of ordinary maintenance, or the work consists solely of an emergency repair of a temporary nature.
(Ord. of 3-27-2001, § 3.0)

Section 80-5. Areas subject to in-town design review.

This Chapter shall apply to certain activities located in the following zoning districts: Downtown Commercial, Residential 1, Residential 2, Residential 3, Waterfront Mixed Use 1, and Waterfront Mixed Use 2, as such are depicted on the adopted official zoning map for the City; reference Chapter 102, Zoning, Article V, District Regulations (copy of map attached).

Sec. 80-6. Guidelines for new construction, renovations and restorations.

The In-town Design Review Committee, in issuing its findings on an application for a Type 1, Type 2 or Type 3 In-town Design Review Permit shall consider the following guidelines, subsections (1) through (3), in making a decision regarding the compatibility of the proposed renovation or restoration of an existing structure, or the proposed construction of a new structure.

- (1) Scale and form.
 - a. Height. In addition to applicable requirements of Chapters 82 and 102, the proposed height of a structure shall be visibly compatible with surrounding structures when viewed from any street or open space, and in compliance with any design guidelines.
 - b. Width. The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
 - c. Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.
 - d. Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
 - e. Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.
- (2) Composition of principal facades.

- a. Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.
- b. Rhythm of solids to voids in facades. The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is visually related.
- c. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places to which they are visually related.
- d. Relationship of materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.
- e. Retaining architectural character. The distinguishing original qualities and character of a structure or site and its environment shall be retained, and the removal or alteration of any such material or distinctive architectural feature shall be avoided when possible. Further, any distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site shall be treated with sensitivity.

(3) Relationship to street.

- a. Walls of continuity. Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.
- b. Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.
- c. Directional expression of principal elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this is vertical character, horizontal character or non-directional character.
- d. Streetscape and pedestrian improvements. Streetscape and pedestrian improvements and any change in the appearance thereof, which are readily visible from any street or open space, shall not be incongruous to the area's character and shall comply with these design guidelines.
- e. Location of mechanical equipment. Whenever possible, mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious to the structure, or shall be located so as not to be readily visible from public ways.

(Ord. of 3-27-2001, § 5.0)

- f. Site Layout and Design. Site layout and design shall be visually compatible with nearby features in the neighborhood.
- g. Historic Districts. New construction and exterior alterations in historic districts shall be visually compatible with surrounding structures.

Sec. 80-7. Standards for demolitions or relocations.

The In-town Design Review Committee shall apply the following standards in evaluating a request to demolish or relocate an existing structure:

- (1) Character of area. The demolition or relocation of the building will not adversely affect the character of the area in which the structure is located, or that the demolition or relocation of the building will positively contribute to the character of the area.
- (2) Use of site. The reuse of the site will be a permitted use or continuation of a nonconforming use that is compatible with the character of the area, and proposed buildings or structures will comply with design guidelines for new construction.
- (3) Alternatives to demolition or relocation. There is no practical alternative that will allow the retention of the building. The Committee can require an owner to demonstrate that the existing building is incapable of earning an economic return.
- (4) Unsafe structure. The building has been deemed unsafe by the Code Enforcement Officer.
- (5) The property owner is unable to obtain insurance on the structure.
- (6) Slum and blight. The building is located in an area that has been formally declared as a slum and blight area by the City, and such designation has been accepted by the State.

(Ord. of 3-27-2001, § 6.0)

Sec. 80-8. Annual meeting of In-town Design Review Committee members.

It is recommended that an annual meeting of all members of the In-town Design Review Committee be held. The purpose of the annual meeting is to share member experiences in the review of permit applications, to evaluate how the design review process is functioning, and to prepare and issue an annual written report to the City Council and citizens of the City. The annual meeting will routinely be held, but shall not be required to be held, between January and March of each year.

(Ord. of 3-27-2001, § 9.0)

Secs. 80-9 -- 80-30. Reserved.

Article II. Applications and Process

Sec. 80-31. Permit application.

A person who proposes to undertake an activity subject to this chapter shall file an In-town Design Review Permit application with the Planning and Codes Department and shall provide all information required on the application form. Department staff at the Planning and Codes Department are authorized to request any and all reasonable information that the In-town Design Review Committee may need to make a finding on a permit application. This information may include but is not limited to sketches, photographs, drawings, plans, and examples of sample materials.

(Ord. of 3-27-2001, § 4.0)

Sec. 80-32. Classification of permit application.

The Planning and Codes Department, upon receipt of an application, shall review the application and determine the classification of permit review required by the In-town Design Review Committee. The two classifications of permits are:

- (1) Type 1, Mandatory In-Town Design Review Permit Review; reference Section 80-33 for a description of the applicable review process.
 - (2) Subsection repealed on March 6, 2018 and replaced on May 7, 2024. Type 2 Major Voluntary In-town Design Review Permit; reference Section 80-34 for a description of the applicable review process.
 - (3) Type 3, Minor Voluntary In-Town Design Review Permit; reference Section 80-35 for a description of the applicable review process.
- (Ord. of 3-27-2001, § 4.0)

Section 80-33. Review Process for Type 1 Mandatory In-town Design Review Permit.

- (a) Schedule of Committee meeting. The Code and Planning Department, upon receipt of a complete application that requires review as a Type 1 Mandatory In-town Design Review Permit, shall date the application, and within five working days, shall schedule an In-town Design Review Committee meeting to review the application. The meeting of the In-town Design Review Committee shall occur within fifteen working days of the date that the Code and Planning Department deems the application for a Type 1 Permit complete.
- (b) Public notice requirement. The Code and Planning Department, a minimum of ten calendar days prior to the In-town Design Review Committee meeting, shall provide written notice of the application and the proposed meeting date to all property owners located within a radius of 150 feet of the applicant property, and also shall post this notice in City Hall or on the City website.
- (c) Selection of In-town Design Review Committee. The Code and Planning Department shall select the five members of the In-town Design Review Committee that will serve on the review of an application for a Type 1 Permit randomly choosing the members from the list of appointed members. If any of the five members initially contacted to serve on a permit review has a conflict or chooses not to serve on the review of a specific permit application, the Department shall contact additional members on the list of appointed members to select a five member committee. **3 members are required for a quorum and a majority of members present at any review must vote in support of any motion for it to be passed.** The Code and Planning Department shall provide the five members of the In-town Design Review Committee that will participate in the review of an application for a Type 1 Permit a copy of the application subject to review.
- (d) Process open to public. The Committee will allow an opportunity for public comment at the meeting at which the application is reviewed, and will accept written comment on the application. The open to public comment period will occur prior to the Committee's deliberations on the application. Public comment must be directed to issues which are within the purview of the Committee. All proceedings of the Committee, including any site visits which the Committee may conduct, shall be open to the public to attend and observe.

- (e) Committee Facilitator. A staff representative from the Code and Planning Department shall serve as the Facilitator of an In-town Design Review Committee meeting at which an application for a Type 1 Permit is considered. The Facilitator shall not have a vote on a permit application.
- (f) Committee review meeting and decision. The In-town Design Review Committee shall review each application for a Type 1 Permit to determine if the proposed construction activity is compatible with the design review guidelines identified in Sections 80-6 and 80-7. **The Committee shall elect an Acting Chair for each meeting.** The Committee shall pursue each review as a constructive dialogue between the applicant and the Committee, with the goal of encouraging an applicant to use construction practices that satisfy the guidelines in this chapter. The Committee shall make its findings in its Notice of Decision, and shall present said Notice of Decision to the applicant and the Code and Planning Department as soon as practical, but not later than 30 working days of the date of the initial Committee meeting. This date may be extended upon the mutual written consent of the applicant and the Committee.
- (g) Permit issuance. The Code Enforcement Officer shall acknowledge the Notice of Decision for a Type 1 Permit that complies with the findings of the In-town Design Review Committee on the respective building permit issued by the Code Enforcement Officer
- (h) Binding decision. The written decision and conditions of approval (Notice of Decision) established by the In-town Design Review Committee shall be binding upon the applicant.
- (i) Other permit requirements. The design review process shall not be interpreted as a waiver of any City regulation governing the issuance of a building permit or other City land use permit. In cases when a Type 1 review is required by this chapter, completion of the design review process shall be a precondition of receipt of a building permit.
- (j) Appeal of Committee decision. An applicant may seek an Administrative Appeal or an Economic Hardship Variance from the Belfast Zoning Board of Appeals with respect to permit requirements established by the In-town Design Review Committee. All appeals shall comply with guidelines established in Section 80-50 of this chapter.

Sec. 80-34. Review process for Type 2 Major Voluntary In-town Design Review Permit.

This section was repealed on March 6, 2018 and replaced on May 7, 2024.

- (a) Schedule of Committee meetings. The In-town Review Committee shall meet on an as needed basis to review any complete applications that are filed for a Type 2 Major Voluntary In-town Design Review Permit. The Planning and Codes Department shall schedule all meetings of the In-town Design Review Committee associated with the review of Type 2 Major Voluntary Permits, and shall inform the Committee members of the meeting schedule. A preliminary workshop with the Applicant and members of the Committee is also be available at the Applicant's request.

- (b) Public notice requirement. The Planning and Codes Department shall post in City Hall and on the City website a public notice of the agenda for a meeting of the In-town Review Committee that involves the Committee's review of a complete application for a Type 2 Major Voluntary In-town Design Review Permit. This notice shall be posted a minimum of 48 hours prior to the scheduled meeting. No other public notification is required of this Committee meeting.
- (c) Selection of In-town Design Review Committee. The Planning and Codes Department shall select the three members of the In-town Design Review Committee that will serve on the review of an application for a Type 2 Permit by randomly choosing the members from the list of appointed members. If any of the three members initially contacted to serve on a permit review has a conflict or chooses not to serve on the review of a specific permit application, the Department shall contact additional members on the list of appointed members to select a three-member Committee. **3 members are required for a quorum and a majority of members present at any review must vote in support of any motion for it to be passed.** The Planning and Codes Department shall provide the three members of the In-town Design Review Committee that will participate in the review of an application for a Type 2 permit a copy of the application subject to review.
- (d) Process open to the public. All scheduled meetings of the In-town Design Review Committee for the review of a Type 2 Major Voluntary In-town Design Review Permit, including any site visits, shall be open to the public. The Committee is not required to accept oral public comment on a permit application at the meeting. All public comments should be submitted in writing to the Committee.
- (e) Committee Facilitator. A representative of the Planning and Codes Department shall serve as the Facilitator of the In-town Design Review Committee meeting. The Facilitator shall not have a vote on a permit application.
- (f) Committee review meeting and decision. The In-town Design Review Committee shall review each application for a Type 2 Major Voluntary In-town Design Review Permit to determine if the proposed construction activity is compatible with the design review guidelines identified in Section 80-6. **The Committee shall elect an Acting Chair for each meeting.** The Committee shall pursue each review as a constructive dialogue between the applicant and the Committee, with the goal of encouraging an applicant to use construction practices that satisfy the guidelines in this chapter. The Committee shall make its findings in its Notice of Decision, and shall present said Notice of Decision to the applicant and the Code and Planning Department as soon as practical, but not later than 15 working days of the date of the initial Committee meeting. This date may be extended upon the mutual written consent of the applicant and the Committee.
- (g) Permit issuance. Reserved.
- (h) Nonbinding decision. The Notice of Decision of the In-town Design Review Committee with respect to a Type 2 Permit shall be nonbinding upon the applicant. While the

Committee and the City will strongly encourage an applicant to adhere to the decision of the In-town Design Review Committee, the City will not deny an applicant a building permit for failing to adhere to the Committee's Notice of Decision, will not establish conditions on a building permit that are related solely to the Notice of Decision of the In-town Design Review Committee, and will not revoke a building permit if an applicant who received a Notice of Decision on a Type 2 Permit subsequently fails to comply with recommendations identified in said Notice.

- (i) Other permit requirements. The design review process shall not be interpreted as a waiver of any City regulation governing the issuance of a building permit. In cases when a Type 2 Major Voluntary In-town Design Review Permit application review process is required by this chapter, completion of the design review process shall be a precondition of receipt of a building permit.

Sec. 80-35. Review process for Type 3 Minor Voluntary In-town Design Review Permit.

- (b) Schedule of Committee meetings. The In-town Review Committee shall meet on an as needed basis to review any complete applications that are filed for a Type 3 Minor In-town Design Review Permit. The Planning and Codes Department shall schedule all meetings of the In-town Design Review Committee associated with the review of Type 3 Permits, and shall inform the Committee members of the meeting schedule.
- (b) Public notice requirement. The Planning and Codes Department shall post in City Hall and on the City website a public notice of the agenda for a meeting of the In-town Review Committee that involves the Committee's review of a complete application for a Type 3 Minor In-town Design Review Permit. This notice shall be posted a minimum of 48 hours prior to the scheduled meeting. No other public notification is required of this Committee meeting.
- (c) Selection of In-town Design Review Committee. The Planning and Codes Department shall select the three members of the In-town Design Review Committee that will serve on the review of an application for a Type 3 Permit by randomly choosing the members from the list of appointed members. If any of the three members initially contacted to serve on a permit review has a conflict or chooses not to serve on the review of a specific permit application, the Department shall contact additional members on the list of appointed members to select a three member Committee. The Code and Planning Department shall provide the three members of the In-town Design Review Committee that will participate in the review of an application for a Type 3 permit a copy of the application subject to review.
- (d) Process open to public. All scheduled meetings of the In-town Design Review Committee for the review of a Type 3 Minor In-town Design Review Permit, including any site visits, shall be open to the public. The Committee is not required to accept oral public comment on a permit application at the meeting. All public comment should be submitted in writing to the Committee.

- (e) Committee Facilitator. A representative of the Planning and Codes Department shall serve as the Facilitator of the In-town Design Review Committee meeting. The Facilitator shall not have a vote on a permit application.
- (f) Committee review meeting and decision. The In-town Design Review Committee shall review each application for a Type 3 Minor In-town Design Review Permit to determine if the proposed construction activity is compatible with the design review guidelines identified in Section 80-6. **The Committee shall elect an Acting Chair for each meeting.** The Committee shall pursue each review as a constructive dialogue between the applicant and the Committee, with the goal of encouraging an applicant to use construction practices that satisfy the guidelines in this chapter. The Committee shall make its findings in its Notice of Decision, and shall present said Notice of Decision to the applicant and the Planning and Codes Department as soon as practical, but not later than 15 working days of the date of the initial Committee meeting. This date may be extended upon the mutual written consent of the applicant and the Committee.
- (g) Permit issuance. This subsection repealed on March 6, 2018.
- (h) Nonbinding decision. The Notice of Decision of the In-town Design Review Committee with respect to a Type 3 Permit shall be nonbinding upon the applicant. While the Committee and the City will strongly encourage an applicant to adhere to the decision of the In-town Design Review Committee, the City will not deny an applicant a building permit for failing to adhere to the Committee's Notice of Decision, will not establish conditions on a building permit that are related solely to the Notice of Decision of the In-town Design Review Committee, and will not revoke a building permit if an applicant who received a Notice of Decision on a Type 3 Permit subsequently fails to comply with recommendations identified in said Notice.
- (i) Other permit requirements. The design review process shall not be interpreted as a waiver of any City regulation governing the issuance of a building permit. In cases when a Type 3 Minor In-town Design Review Permit application review process is required by this chapter, completion of the design review process shall be a precondition of receipt of a building permit.
(Ord. of 3-27-2001, § 4.0)

Sec. 80-36. Failure to submit a permit application or obtain an appropriate permit.

It is the responsibility of an applicant to be aware of the requirements of the City Code of Ordinances and to submit the appropriate application for a permit identified in this chapter. The failure to submit an application and to obtain the appropriate permit prior to the start of construction activities shall be subject to the following penalties:

- (1) An applicant that fails to submit an application or obtain a permit for an activity subject to review as a Type 1 Mandatory In-town Design Review Permit shall be subject to the same penalties that apply to the failure to submit and obtain a building permit that are identified in chapter 102, zoning.

- (2) Subsection repealed on March 6, 2018 and replaced on May 7, 2024. An applicant that fails to submit an application or obtain a permit for an activity subject to review as a Type 2 Major Voluntary In-town Design Review Permit shall be subject to the same penalties that apply to the failure to submit and obtain a building permit that are identified in chapter 102, zoning.
- (3) An applicant that fails to submit an application or obtain a permit for an activity subject to review as a Type 3 Minor Voluntary In-town Design Review Permit shall be subject to a penalty of \$50.00.

The City Council shall have the authority to waive any and all penalties that may be assessed per this chapter.

(Ord. of 3-27-2001, § 7.0)

Sec. 80-36. Application fee.

The fee to submit an application for a Type 1 Mandatory In-town Design Review Permit, a Type 2 Major Voluntary In-town Design Review Permit, or a Type 3 Minor Voluntary In-town Design Review Permit shall be established by the City Council, and may be adjusted from time-to-time by the Council.

(Ord. of 3-27-2001, § 8.0)

Secs. 80-37 --- 80-49. Reserved.

Article III. Appeals

Sec 80-50. Permit subject to appeal.

An applicant for a Type 1 Mandatory In-town Design Review Permit may request an Administrative Appeal of a decision by the In-town Design Review Committee, or may request a Certificate of Economic Hardship Variance from the Belfast Zoning Board of Appeals. The process for the review of an application for an Administrative Appeal or a Certificate of Economic Hardship Variance are identified in this article. An applicant cannot request either an Administrative Appeal or a Certificate of Economic Hardship Variance for a Type 2 Major Voluntary In-town Design Review Permit or a Type 3 Minor Voluntary In-town Design Review Permit since any decision of the In-town Design Review Committee with respect to said permit is non-binding on an applicant.

Sec 80-51. Administrative appeal of a Type 1 Mandatory In-town Design Review Permit.

- (a) Process to receive and review an appeal. An applicant who has received or has been denied the issuance of a Type 1 Mandatory In-town Design Review Permit by the In-town Design Review Committee may file and request that the Zoning Board of Appeals consider an application for an Administrative Appeal regarding the Committee decision on said permit and their interpretation of the requirements of Chapter 80, In-town Design Review. The following standards identified in Chapter 102, Zoning, Article II, Administration, Sec 102-134 shall apply to said Administrative Appeal: (a) Filing; (b) Public Hearing required,

notice; (c) Failure to receive notice; (d) Right of parties to appear by agent or attorney; (e) Attendance at hearing by city officials; (g) De novo review and (h) Conduct of hearing.

(b) Standard of review of an appeal. The Zoning Board of Appeals shall act as an appellate board which shall entertain all evidence of record submitted in the underlying hearing, including any transcripts, findings of fact, and decisions made by the In-Town Design Review Committee. The Board shall review the entire record and determine if the evidence of record compels the Zoning Board of Appeals to find that all or part of the decision on appeal was arbitrary or capricious and compels a contrary decision based on substantial evidence in the record. In such Administrative Appeals the Zoning Board of Appeals is hereby authorized to take the following action.

1. Approve the decision issued by the In-town Design Review Committee.
2. Reverse in total the decision of the In-town Design Review Committee.
3. Remand to the Design Review Committee for further proceedings necessary to:
 - a. Compare the record in the event that the Board finds it unable to render a decision due to the absence of critically important factual information;
 - b. Consider how a decision of the Zoning Board of Appeals to reverse part of the decision of the Design Review Committee affects the proposed improvement; or
 - c. Remand for further proceedings consistent with the order of the Zoning Board of Appeals.

The actions described in subsections (c) – (e) below may or shall occur in response to the above decisions of the Zoning Board of Appeals.

- (c) Zoning Board of Appeals decision to approve decision issued by the In-town Design Review Committee. If the Zoning Board of Appeals acts pursuant to (b)1. above to approve a decision of the In-town Design Review Committee an aggrieved applicant may appeal said decision to the Maine Superior Court. (d) Zoning Board of Appeals decision to reverse in total a decision of the In-town Design Review Committee. If the Zoning Board of Appeals chooses to reverse a decision of the In-Town Design Review Committee, (b) 2. above, the decision of the Zoning Board of Appeals shall be binding unless said decision is appealed to the Superior Court.
- (e) Remand by Zoning Board of Appeals. If the Zoning Board of Appeals chooses to reject in part a decision of the In-town Design Review Committee and to remand a specific decision to the In-town Design Review Committee, pursuant to (b)3. above, the membership of the In-town Design Review Committee which initially heard the application shall sit in review of the remand order. The Committee shall confine its review to the remand decision issued by the Zoning Board of Appeals, and shall issue findings describing how it has addressed issues identified in the order from the Zoning Board of Appeals. The decision of the In-town Design Review Committee regarding such a remand is subject to the administrative appeal procedure identified in this section.

Sec. 80-52 Zoning Board of Appeals review of a Certificate of Economic Hardship.

- (a) An applicant that asserts it cannot comply with conditions of approval established by the In-town Design Review Committee for issuance of a Type 1 Mandatory In-town Design Review Permit may apply to the Zoning Board of Appeals for relief by issuance of a Certificate of Economic Hardship. Said application shall be submitted on the official form within 30 days of the written Notice of Decision of the In-town Design Review Committee to the Code and Planning Department. The Department shall schedule the request for a Certificate for a meeting before the Zoning Board of Appeals. Zoning Board of Appeals review of the application shall occur in accordance with the process for the review of variances that is described in Chapter 102, Zoning, Article II, Administration, Section 102-133, Variances.
- (b) The Zoning Board of Appeals shall approve an application for a Certificate of Economic Hardship only upon a determination that applicant compliance with conditions of approval established by the In-town Design Review Committee will result in the loss of all reasonable use of the structure.
- (c) In considering an application for a Certificate of Economic Hardship, the Zoning Board of Appeals shall consider among other things any evidence presented concerning the following:
 - (1) Any opinion from a licensed engineer or architect with experience in renovation, restoration or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation.
 - (2) Any estimates of the cost of the proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval established by the Committee.
 - (3) Any estimates of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition or removal; and after any expenditures necessary to comply with conditions of approval established by the Committee.
 - (4) A comparison of the cost of improvements associated with 1 – 3 above, as proposed by the applicant, and the cost of improvements required to comply with conditions of approval established by the Committee.
 - (5) Information supplied by the applicant with respect to the following:
 - a. The assessed value of the property and/or the structure for the current year.
 - b. Real property taxes paid for the previous two years.
 - c. The amount paid for the property by the owner, the date of purchase and the party from whom purchased.

- d. The current balance of any mortgages or other financing secured on the property and annual debt service on the property.
- e. Any appraisals obtained within the last 2 years.
- f. Any listings of the property for sale or rent, including the price asked and offers received, if any within the past 2 years.
- g. All studies commissioned by the owner as to the profitable renovation, rehabilitation or utilization of any structures on the property.
- h. For income producing property, itemized income and expense statements for the property for the previous two years.

Notwithstanding this list of information, the Zoning Board of Appeals may request additional information to assist in its decision regarding the issuance for a Certificate of Economic Hardship.

- (d) The Zoning Board of Appeals, in its written decision, shall define why or why not the Certificate of Economic Hardship should or should not be granted, and the specific conditions that apply to the issuance of a Certificate. The only appeal of any decision regarding issuance or denial of an Economic Hardship Variance shall be to the Superior Court.

Secs. 80-53 --- 80-60. Reserved.

10.L



CITY OF BELFAST, MAINE 04915

131 Church Street

PLANNING AND CODES DEPARTMENT

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planningandcodes@cityofbelfast.org

MEMORANDUM

DATE: October 7, 2024

TO: Belfast Mayor and City Council

FROM: Bub Fournier, Director of Planning and Codes Department

RE: Short- Term Rental registry data

Background Information:

In regard to Short Term Rental data, please see the attached STR map. It should be noted that the City has permitted approx. 77 Short Term Rental units (STR's) as defined by the Ordinance since Sept. 2023. STR's are defined by the City Ordinance as dwelling units containing independent sleeping, bathing and cooking facilities that are not otherwise occupied by the owner. For instance, if a homeowner decided to rent their house out for portions of the year when they are not there, they are not required to register. If they have a second unit, that would be required to be registered. The City has approx. 3,775 dwelling units. Thus, the percentage of total dwelling units represented by STR's is approx. 2%. This is much less than predicted when the STR Ordinance was being discussed, but that may be due to the specifics of the definition. We were also using AirDNA data that included other nearby towns, camp sites, partial dwellings etc. The reason the definition was limited as described above, is because the vast majority of STR's exempted would not be available for rent otherwise. This was an attempt to see how much of the City's available housing might be used for STR's and where they may be located. Approx. 64% are owned by people in Belfast, 12% are owned by people in other Waldo County towns, 9% are owned by people in other parts of Maine, and 15% are owned by people who live out of state.

In conclusion, STR's do not appear to be having much effect on housing availability in Belfast. In fact, when I reported these numbers to the City's Housing and Property Development Committee, they declined to take a position on any further action on the subject. It will be important to monitor the number of STR's moving forward, and the registry has been helpful in a couple instances when there have been parking or code issues.

10.M



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 October 15th, 2024

Regarding: Request by the Economic Development Director to have the City Council approve the submission of an application to the United States Environmental Protection Agency Brownfields Assessment Grant Program.

Over the past decade-plus, the City of Belfast has launched, implemented, and sustained a successful Brownfields Assessment Program. The goal of this program is to provide the owners and/or future purchasers of brownfields (commercial and industrial properties that have redevelopment potential, but are currently vacant or underutilized due to known or perceived contamination) with environmental due diligence in support of bank financing, to document the environmental liabilities and associated cleanup costs, to help revitalize these properties, and/or to protect the environment and public health. Many, out of the dozens of sites that the City has assessed through this program, have gone through more than one stage of the environmental assessment process (i.e. Phase I Environmental Site Assessments, Phase II Environmental Site Assessments, Analysis of Brownfields Cleanup Alternatives, Remedial Action Plans, etc.).

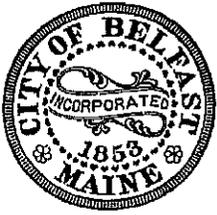
This City of Belfast Brownfields Assessment Program has been funded through a series of five Brownfields Assessment Grants (awarded in 2011, 2013, 2016, 2019, and 2022, and totaling \$1,799,994) secured by the City from the United States Environmental Protection Agency. As of September 30th, 2024, the City has expended at least 70% of its current Brownfields Assessment Grant, and is therefore eligible to submit a new application to the United States Environmental Protection Agency Brownfields Assessment Grant Program to secure the funding necessary to continue the City's program.

The City would anticipate submitting an application for the grant maximum of \$500,000. No matching funds from the City will be required for this grant. As with previously secured grants from the United States Environmental Protection Agency Brownfields Assessment Grant Program, the City has the ability to be reimbursed for staff time spent on the management and implementation of this grant. This application is due on November 14th, 2024, with notifications of awards expected in May of 2025. As is typical, competition for these grants is anticipated to be fierce, with the United States Environmental Protection Agency planning to award only 52 grants of this kind (existing grantees that are not states, tribes, or coalitions) nationwide during this cycle.

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

- 1) authorize the submission of an application to the United States Environmental Protection Agency Brownfields Assessment Grant Program; and**
- 2) authorize the City Manager to sign any and all documentation necessary for the submission of this application.**

10-N



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 October 15th, 2024

Regarding: Request by the Economic Development Director to have the City Council approve the submission of an application to the United States Environmental Protection Agency Brownfields Cleanup Grant Program.

The United States Environmental Protection Agency, through its Brownfields Cleanup Grant Program, makes funding available for the actual remediation of brownfields (commercial and industrial properties that have redevelopment potential, but are currently vacant or underutilized due to known or perceived contamination) that are owned by eligible entities, which includes municipalities. The City of Belfast has previously secured funding through this program, both for properties that itself owns (45 Front Street/Belfast Yards) as well as on behalf of other eligible entities for sites that they own/have owned (45 Congress Street/Old Waldo County Jail Site; 256 High Street/Waterfall Arts).

Grants awarded under this program can have a maximum of either \$500,000, \$2,000,000, or \$4,000,000. The City's application to this program for this funding cycle would be for the funding necessary to remediate two properties that it currently owns: the former Waldo County Superior Courthouse building located at 137 Church Street, and the former Bradbury Manor located at 74 High Street. The City has previously utilized its Brownfields Assessment Program to develop cleanup plans for both of these properties, which will form the basis for this application to the Brownfields Cleanup Grant Program. The City will be required to hold a public meeting to discuss a draft of its application and the cleanup plans for these properties, and to consider public comments prior to the submission of its application, which is due November 14th, 2024.

No matching funds from the City will be required for this grant. The United States Environmental Protection Agency expects to announce awards for this program in May of 2025. As is typical, competition for these grants is anticipated to be fierce, with the United States Environmental Protection Agency planning to award only 63 grants of this kind (30 for the \$500,000 maximum, 23 for the \$2,000,000 maximum, and 10 for the \$4,000,000 maximum) nationwide during this cycle.

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

- 1) authorize the submission of an application to the United States Environmental Protection Agency Brownfields Cleanup Grant Program; and**
- 2) authorize the City Manager to sign any and all documentation necessary for the submission of this application.**

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CITY OF BELFAST

City Hall
131 Church Street
Belfast, Maine 04915

Joellyn Warren
Deputy Economic Development Director

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TO: Honorable Mayor Eric Sanders, Belfast City Councilors, and City Manager Erin Herbig

FROM: Joellyn Warren, Deputy Economic Development Director

DATE: October 8, 2024

RE: Approval to accept professional services response and enter a contract with a consultant to prepare a Fit-Out Plan for the former Waldo County Superior Courthouse

The City recently issued a Request for Proposals for responses by professional service firms to perform fit-out, architectural design, and engineering services for the former Waldo County Superior Courthouse, located at 137 Church Street, Belfast, ME for use by the City. The City purchased the building in April 2024 and has budgeted ARPA funds and Capital Improvement Funds over the next 5 years to complete renovations.

Since taking ownership of the building, the City has upgraded the HVAC systems, conducted an environmental assessment, and will seek grant funds to clean up any hazardous building materials. To bring the building up to code and meet the city's needs, a Consultant is needed to detail phased plans for improvements to the exterior to repair damage and preserve bricks, mortar, and wood trim details. Further, interior improvement plans will include office space configuration, breakroom accommodations, meeting space, and public space layout. The project will also include replacing 40 single-pane windows, upgrading electrical service lines and panels, installing LED lighting, adding building insulation, and installing a new audio/visual system in the courtroom which will be used for City Chambers. Two key components of the project are the construction of an elevated walkway to connect the two City Hall buildings and the installation of a new elevator. The walkway connecting the buildings will allow the public and staff to access all city services more effectively. The elevator is necessary to provide ADA-accessible access to all three levels of office and meeting spaces.

The deadline for responses is October 9, 2024, at noon. Once received, City staff will review and rank proposals for consideration by the City Council. The Deputy Economic Development Director will request a motion to enter into a contract for professional services after presentation to the City Council at their meeting on October 15, 2024.

10.P

City of Belfast

Memo

To: Erin Herbig, City Manager
From: Amy I. Bradford, Treasurer
cc: Manda Cushman, Deputy City Manager
Date: October 7, 2024
Re: Cemetery Perpetual Care Funds for FY 2023/2024

Mayor & City Council,

Each fiscal year when cemetery lots are purchased, a portion of the sale of the lot is to be placed in the cemetery trust for perpetual care.

Attached is the list of lot sales provided by Leigh Wilcox for the period of July 1, 2023 to June 30, 2024.

This Memo is to request authorization to forward the perpetual care portion received to HM Payson to be placed in the cemetery trust.

Thank you,

Amy I. Bradford



Grove Cemetery

Perpetual care funds

<u>Date</u>		<u>P.C.</u>
<u>7/11/23</u>	<u>Gail Harriman</u> Section 1975 – Range-T- lot 70	\$600.00
8/09/23	Dorthy Harvey and David McCurdy Section 1975-range T- lot 69	\$600.00
8/16/23	Tony Hustus Section 1975-range-T Lot- 16	\$1200.00
8/26/23	Dianne Macintosh Section 1975-range-T lot- 67 and 68	\$800.00
10/13/23	John and Linda Dutcher Section 1975 range D lot 30 E.H.	\$800.00
10/18/23	Vicki Ryder Section 1975 range- D –lot 29 E.H.	\$800.00
4/1/24	Mary Johnston Conklin Section 1975-range-T Lot -66	\$600.00
4/20/24	Jennifer Bubert Section 1975-range-G-Lot-40 W.H.	\$800.00
5/1/24	Markand Trudy Munson Section 1975-Range-D-Lot-13 W.H.	\$800.00
5/22/24	Francis Thomas Section 1975-Range-T-Lot-12	\$600.00
6/5/24	Elsa Mead and Sherri Klosterman Section-1975-Range D-Lot-31 and 32	\$2400.00
6/13/24	Lynn Pantoja Section 1975-Range U-Lot-4 W.H.	\$800.00

