



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Erin Herbig
City Manager

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MANAGER'S REPORT
Belfast City Council Meeting
Wednesday, November 6, 2024

6:15 p.m. Council Work Session with the Harbor Advisory Committee.

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 31, 2024

Agenda Items:

10-A Request to appoint Gary "Kip" Faulkner of Monroe as the new Public Works Director.

The City of Belfast advertised the position of Public Works Director beginning on August 28th, 2024, following the announcement of the retirement of long-time director Bob Richards.

Applications were due on September 25th. The City received nineteen applications.

On October 2nd, the Public Works Director Hiring Committee held first-round interviews with nine well qualified candidates, narrowing it down to two candidates for second round interviews.

The Public Works Director Hiring Committee was composed of HR Administrator Nancy Driscoll, Director of Code and Planning Bub Fournier, Harbor Master Kathy Given, City Engineer Mandy Holway, Fire Chief Patrick Richards, Councilor Mary Mortier and me.

Second Round interviews were held Wednesday, October 16th due to candidate availability. The hiring committee unanimously selected the final candidate. The Hiring Committee unanimously recommends the City Council appoint Gary "Kip" Faulkner of Monroe as our new Public Works Director for the City of Belfast.

Mr. Faulkner has worked as the City of Belfast Public Works Foreman since 2016. Throughout his over 30 years of experience in the field of public works he has accumulated experience with excavation, road construction, and held supervisory roles managing crews of equipment operators. He has played a huge role in many key City of Belfast infrastructure projects such as the Belfast Harbor Walk and Rail Trail as well as annual street and sidewalk paving projects.

This position is a vital aspect of the City's public safety team, working effectively with City Departments, City Committees, contractors, engineers, and the community at large. I am confident Mr. Faulkner will serve our community and the department well.

Please see the attached cover letter, resume, advertisement, and job description (10-A) providing further detail. Mr. Faulkner and I will be available at the Council Meeting to answer any 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, 2024. 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 Deputy City Clerk Andrew Legacy.

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 Discussion and potential acceptance of the final boundary survey between Northport and Belfast.

On October 15, 2024, the City Council held a Joint Work Session with the Northport Selectboard to review the preliminary boundary survey by independent land surveyor Robert Yarumian.

Please see the attached boundary survey (10-C). City Attorney Kristin Collins will be present to review the final boundary survey and answer any questions the Council may have.

10-D Request from the Parks and Recreation Director to purchase a GMC Sierra 1500 from the Maine Fleet Vehicle State Purchasing Contract through O'Conner in Augusta.

During the 2024-2025 Budget, the Belfast Parks and Recreation Director proposed to replace a 2012 Ford F-150 light duty pick-up truck with a GMC truck through the Maine Fleet Vehicle State Purchasing Contract. At the time of the budget process, the new state contract documents were not available.

The new contract became available during the first week in October, and Parks and Recreation Director Pam Salokangas has been working with the local vendor, O'Connor in Augusta, to price this replacement vehicle. Per the new state contract, the 2025 GMC Sierra 1500 is priced at a cost of \$48,925 as a base price. It is further recommended that a cab-mounted emergency light (\$400), and spray-in bed liner (\$675) be included to match the current fleet. Additionally, O'Conner has offered \$1,000 in trade value. This would bring the total purchase price of \$49,000.

If approved by the City Council, the Parks and Recreation Director recommends a motion is made to purchase the GMC Sierra 1500, to include the two add-on items, from the Maine Fleet Vehicle State Purchasing Contract through O'Conner in Augusta, for a total purchase price of \$49,000, with funding allocated from Account #610-537 Parks and Recreation Equipment Capital Reserve. This account has a current balance of \$49,123.

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

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

The Parks and Recreation Commission is one of sixteen committees within the City of Belfast.

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 City Council discussed the amendments at the October 15, 2024, Regular Council Meeting. Suggestions from that meeting have also been incorporated into the draft being presented.

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-E, 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-F Public Hearing on proposed amendments to the City Code of Ordinances, Chapter 38
Parks and Recreation.**

**NOTICE OF PUBLIC HEARING
BELFAST CITY COUNCIL
PROPOSED AMENDMENTS TO
CITY CODE OF ORDINANCES**

The Belfast City Council, at its meeting of Wednesday, November 6th, 2024, beginning at 7:00 pm in Belfast City Hall Council Chambers, located at 131 Church Street, Belfast, ME 04915, shall conduct Public Hearings and Second Readings on proposed amendments to the City Code of Ordinances, Chapter 80 In-town Design Review and Chapter 102 Zoning, Article VIII Supplementary District Regulations, Division 4 Mobile Homes and Manufactured Housing. The Public Hearings will be conducted in person at City Hall and can be streamed on the City website at www.cityofbelfast.org.

The first proposed amendment the City Council is considering is for Chapter 38 Parks and Recreation Article II Parks and Recreation Commission to modify the title and structure of the commission as part of a larger effort to bring the City's 17 current committees into a more standardized framework.

In the remaining proposed amendments in Chapter 38, Sec. 38-72 through 38-90, the City Council is considering those changes as they relate to the rules and regulations for the City's parks to include redefined park hours, peddling/soliciting, dogs, littering, vehicles in parks, smoking, open fires/grills, alcohol and event licensing, Belfast Boathouse operations, and firearms in City parks. Changes or additions in these sections more clearly define parks rules and regulations for park use, and the resulting fines for first and second offenses and beyond.

The second proposed amendment the City Council is considering is for Chapter 80 In-town Design Review to modify the structure of the City's Intown Design Review Committee as a part of a larger effort to bring the City's 17 current committees into a more standardized framework.

The third proposed amendment the City Council is considering is for Chapter 102 Zoning, Article VIII Supplementary District Regulations, Division 4 Mobile Homes and Manufactured Housing to allow for the adoption of State Manufactured Housing Community Road Construction Standards and density requirements in lieu of current standards identified in the City Code of Ordinances.

The City encourages persons who may be affected by the proposed amendments to offer comments to the City Council. The Council is accepting comments in the following ways:

- 1) Submit written comments by 12 noon on November 6th, 2024, by email

to directorplanning@cityofbelfast.org. This is the preferred method to submit comments.

2) Submit written comments by 12 noon on November 6th, 2024, by letter to: City of Belfast, Planning and Codes Dept, 131 Church Street, Belfast ME 04915.

3) Submit oral comments in person during the Public Hearing portion of the meeting.

The complete text of amendments the City Council is considering can be found on the City website, www.cityofbelfast.org, reference Planning and Codes. A copy of the proposed amendments is also available for inspection in the Planning and Codes Department offices during normal business hours, 7:00am – 6:00pm, Monday-Thursday.

Questions regarding the proposed amendments can be directed to the Planning and Codes Department offices, 338-3370 x 125, or by email to Bub Fournier, Director of Planning and Codes, directorplanning@cityofbelfast.org.

All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard at that time.

Please see the attached memo and proposed amendments (10-E, F and G) from Parks and Recreation Director Pam Salokangas explaining the request in further detail.

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

This is a Second Reading. The First Reading was held at the Regular City Council Meeting of October 15, 2024. At this time, the City Council may discuss, amend, table, or approve the Second Reading of the proposed amended ordinance.

If approved by the City Council, the Parks and Recreation Director recommends that a motion is made to approve the Second Reading of proposed amendments to the City Code of Ordinances, Chapter 38 Parks and Recreation.

Please see the attached memo and proposed amendments (10-E, 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.

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 City Council discussed the amendments at the October 15, 2024, Regular Council Meeting.

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, I and J) from Director of Code and Planning Bub Fournier and City Planner Alexandra Sykes explaining the request in further detail. Director Fournier and Planner Sykes will be at the meeting to present.

**10-I Public Hearing on proposed amendments to the City Code of Ordinances, Chapter 80
Intown Design.**

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Questions regarding the proposed amendments can be directed to the Planning and Codes Department offices, 338-3370 x 125, or by email to Bub Fournier, Director of Planning and Codes, directorplanning@cityofbelfast.org.

All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard at that time.

Please see the attached memo and proposed amendments (10-H, I and J) from Director of Code and Planning Bub Fournier and City Planner Alexandra Sykes explaining the request in further detail.

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

This is a Second Reading. The First Reading was held at the Regular City Council Meeting of October 15, 2024. At this time, the City Council may discuss, amend, table, or approve the Second Reading of the proposed amended ordinance.

If approved by the City Council, City Planner Alexandra Sykes recommends that a motion is made to approve the Second Reading of proposed amendments to the City Code of Ordinances, Chapter 102 Zoning.

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

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

At the 2023 Joint Work Session between the City Council and Planning Board on Housing, 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. The City's Housing and Property Development Committee recommended to the Planning Board to consider amending the City ordinance as well.

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.

At an ordinance amendment workshop on April 10th, 2024, the Planning Board reviewed draft language that would accomplish the goals discussed at previous meetings that included feedback from the City Engineer.

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

The City Council discussed the amendments at the October 15, 2024, Regular Council Meeting.

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-K, L and M) from Director of Code and Planning Bub Fournier explaining the request in further detail. Director Fournier will be at the meeting to present.

10-L Public Hearing on proposed amendments to the City Code of Ordinances, Chapter 102 Zoning.

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The second proposed amendment the City Council is considering is for Chapter

80 In-town Design Review to modify the structure of the City's Intown Design Review Committee as a part of a larger effort to bring the City's 17 current committees into a more standardized framework.

The third proposed amendment the City Council is considering is for Chapter 102 Zoning, Article VIII Supplementary District Regulations, Division 4 Mobile Homes and Manufactured Housing to allow for the adoption of State Manufactured Housing Community Road Construction Standards and density requirements in lieu of current standards identified in the City Code of Ordinances.

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Questions regarding the proposed amendments can be directed to the Planning and Codes Department offices, 338-3370 x 125, or by email to Bub Fournier, Director of Planning and Codes, directorplanning@cityofbelfast.org.

All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard at that time.

Please see the attached memo and proposed amendments (10-K, L and M) from Director of Code and Planning Bub Fournier and City Planner Alexandra Sykes explaining the request in further detail.

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

This is a Second Reading. The First Reading was held at the Regular City Council Meeting of October 15, 2024. At this time, the City Council may discuss, amend, table, or approve the Second Reading of the proposed amended ordinance.

If approved by the City Council, City staff recommends that a motion is made to approve the Second Reading of proposed amendments to the City Code of Ordinances, Chapter 102 Zoning.

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

10-N Request from the Airport Manager to authorize the acceptance of donations to pay for a third airport mural project.

Local artist David Hurley has again expressed interest in working with Airport Manager Kenn Ortmann to create another mural to decorate the third side of our electronic equipment building.

The concept for the third mural would celebrate Belfast Harbor highlighting aircraft that use KBST as a base of operations, including LifeFlight, which provides emergency services to MaineHealth Waldo Hospital.

Local pilots have donated the entire amount necessary to create this mural. If approved by the City Council, the Airport Manager recommends that the City Council accept donations, in the amount of \$1,200, and authorize the payment of \$1,200 to David Hurley for the airport mural project.

Please see the attached memo (10-N) from Airport Manager Kenn Ortmann explaining the request in further detail. Airport Manager Ortmann will be at the meeting to present and answer any questions.

10-O Consideration of requests to remove three City street trees.

Former Public Works Director and Tree Warden Bob Richards received three tree removal requests. Each tree has been referenced to the 2021 City of Belfast Street Tree Inventory which provides conditions of City Street trees based on an informal scale of 1-5; with 1 generally indicating the lowest level of health and 5 representing a tree with no outward appearance of decline, although some discrepancies have been found within the tree inventory.

Additionally, Mr. Richards has provided the following information on the current condition of each tree:

1. 58 Church Street – concerned about the condition of the tree and it coming down. Is requesting to have it removed.
2. 40 Northport Ave. – concerned about the condition of this tree. It lost a big chunk of it this summer in a windstorm. There is a stress fracture that runs through the tree from one side to another. Benners Tree Service suggested it be removed.
3. 70 Union Street – there is a large cavity in the tree. Benners Tree Service suggested this one be removed.

Per the City Tree Ordinance these trees have been tagged, notifying the public of the requested removal and providing contact information for the City Manager's Office to report any questions or concerns regarding the request. As required, they must be posted at least two weeks before being brought before the City Council for consideration. As of Thursday, October 31st, the City Manager's Office has not received any comments. I will provide an update at the meeting with any comments that may be received before the meeting on Wednesday.

Please see the attached photos of each of the three locations, excerpts from the 2021 City of Belfast Street Tree Inventory, and a memo from Mr. Richards (10-O). I will be at the meeting to present and answer any questions.

10-P Request from the Wastewater Superintendent to accept and award the bid for City of Belfast surplus equipment.

In July 2024, the Wastewater Superintendent went out to bid for the sale of City surplus equipment, a 2009 Chevy 3500 with a 6.6 Duramax diesel engine with approximately 100,000 miles. Bids were due on August 13, 2024, with a minimum bid requirement of \$6,500.00. At that time, the City received no bids.

Penta Corporation recently conducted work at the Wastewater Treatment Facility and had heard that the truck had been up for bid. Wendall Harvey of Penta recently reached out to the Wastewater Superintendent to inquire about the trucks availability and submitted a bid offer of \$4,000.

Wastewater Superintendent Travis Jones requests that the City Council accept the bid as presented and award the bid to the only bidder, Wendall Harvey of Penta for \$4,000.00. If approved, funds will be deposited into Account# 990-3070, Miscellaneous Revenue.

Please see the attached memo (10-P) from Wastewater Superintendent Travis Jones. I will be at the meeting to present and answer any questions.

10-Q Request from the City E-911 Addressing Officer to accept the name change from Whitetail Lane to Whitetail Street in phase one of the four-phase subdivision at the end of Little River Drive located on Map 4 Lot 62 G.

At the May 7th, 2024, Regular Council Meeting, the City Interim Assessor, who also serves as the City E-911 Addressing Officer, requested that the City Council consider an official approval/sanction of the street names at the Little River Drive Extension; Whitetail Lane, Black Bear Street, Seal Street, and Lobster Lane for the four-phase subdivision at the end of Little River Drive. The lanes and streets are located on Map 4 Lot 62 G. These street names were approved by the City Council.

Since that meeting, it was brought to the attention of the City that there is already Whitetail Lane under 04915 zip code in the town of Waldo. The recommendation from the Belfast Postmaster is to change the new lane in this subdivision to street as mail is sorted prior to arrival in Belfast. One house is currently completed and under contract at 1 Whitetail Street, and a second house is nearing completion stages at 3 Whitetail Street.

If approved by the City Council, City staff recommend a motion is made to accept the name change from Whitetail Lane to Whitetail Street in phase one of the four-phase subdivision at the end of Little River Drive located on Map 4 Lot 62 G.

Please see the attached memo (10-Q) from City Assessor Avis Winchester explaining the request in further detail. I will be at the meeting to present and answer any question

10-R Signing of Council Orders

As a reminder, Election Day will be held on Tuesday, November 5th, 2024, with voting location open from 7:00AM to 8:00PM at the following locations in the City of Belfast:

Wards One, Two, Three and Four

The Tarratine Tribe

153 Main Street

Ward Five

United Methodist Church

23 Mill Lane

The City of Belfast Ballot Drop Box located on the High Street entrance of City Hall can be used for dropping off absentee ballots.

Beginning on Monday, November 4th at 7:00AM absentee ballots will only be issued in the event of special circumstances as outlined in Maine Election Law.

As a reminder, the City Clerk's Office will be closed on Election Day. Any remaining absentee ballots should be returned to the appropriate polling location by ward as outlined above.

For more information on the November 5th Election, please see the City website or call the City Clerk's Office at 338-3370 ext. 131 Monday through Thursday 7:00AM to 6:00PM. The Clerk's Office will be open until 7:00PM on Thursday, October 31st.

Due to election, the City Council's first Regular Meeting of the month in November will be held on Wednesday, November 6th, 2024.

**City of Belfast
Consent Agenda
Wednesday, November 6, 2024
Meeting #9**

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 from the Fire Chief to confirm Colbey Glidden as a Part-time EMT for the Belfast Ambulance Department.

Motion to confirm Colbey Glidden as a Part-time EMT for the Belfast Ambulance Department.

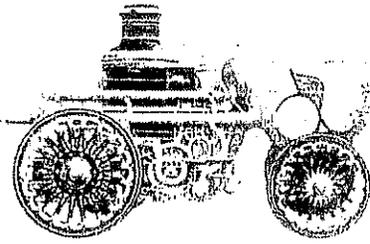
B. Request to approve the following Victualer License renewals, due to expire May 31, 2025:

Chris Battaglia d/b/a Torchlight

Motion to approve the following Victualer License renewals, due to expire May 31, 2025:

Chris Battaglia d/b/a Torchlight

9A.



Belfast Fire & Ambulance Department
131 Church Street • Belfast, Maine 04015
Phone 338-3302

October 21, 2024

Honorable Mayor Sanders

Belfast City Councilors

City Mgr. Herbig

Re; Colbey Glidden, Part time EMT

I submit for your confirmation the name of Colbey Glidden for part time EMT. Colbey is an Advanced EMT currently and has nearly completed his Paramedic studies. Colbey currently works full time for Sebecook Valley Hospital Ambulance Service. His Paramedic studies will be complete in December, and he is looking forward to new opportunities. Colbey is an eager and energetic young man, and I believe he will provide exceptional part time service to the City and the Department.

If you have any questions, please feel free to reach out. Thank you for this consideration.

Patrick Richards

Fire Chief/Ambulance Director

10A.



**City of Belfast
Employment Opportunity
Public Works Director**

The City of Belfast, a vibrant, development-focused community of 7,000 located in midcoast Maine, seeks a full-time Public Works Director. This position performs is supervisory and practical work directing the work of a crew of equipment operators and workers engaged in public works construction and maintenance operations. Responsibilities also include establishing and maintaining appropriate work relationships with municipal officials, peers and subordinates, State and local organizations, and with the public. Work is performed with general independence under the supervision of the City Manager.

The successful applicant must have knowledge of road construction materials and methods, construction equipment operation, and the ability to read and interpret engineering road plans. The salary range for this position is \$81,000 to \$97,000 in addition to a competitive benefits package. The schedule for this position is a 4-day work week, Monday through Thursday, but will require long hours of overnight, roadway or other service at times.

Applicants must possess a valid and maintain an A or B Commercial Driver's License (CDL). Experience in administrative and operational public works; experience as a labor foreman on major road construction and maintenance activities; and completion of high school, preferably supplemented by technical training; or any equivalent combination of experience and training.

All applications are to be submitted in confidence and should include a letter of introduction, a completed Belfast Employment Application form (found on web site under Job Openings) and a resume which must be turned into the Human Resource Administrator, Nancy Driscoll, at 131 Church Street or mailed no later than 6:00 PM on Wednesday, September 25, 2024. Applications should be in a sealed envelope and addressed to:

City of Belfast
Public Works Director Search
C/O HR Administrator
131 Church Street
Belfast, Maine 04915

The City of Belfast is an equal opportunity employer.



**CITY OF BELFAST
PUBLIC WORKS DIRECTOR**

NATURE OF WORK

This is supervisory and practical work directing the work of a crew of equipment operators and workers engaged in public works construction and maintenance operations.

Employee of this class supervises and assists the Public Works crew in the various operations of the Department. Work involves snow removal and sanding, and the scheduling, coordinating, and supervision of various works performed by subordinates, to ensure that streets are made according to prescribed lines and grades. The position requires a practical knowledge of road construction materials and methods, construction equipment operation, and the ability to read and interpret engineering road plans.

The employee is responsible for the preparation and monitoring of the department budget; the preparation, implementation of and adherence to procedures; and department personnel functions. Responsibilities also include establishing and maintaining appropriate work relationships with municipal officials, peers and subordinates, State and local organizations, and with the public. Work is performed with general independence under the supervision of the City Manager.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Prepares departmental budget and administers budget after Council approval.

Advises the City Manager of all Public Works activities and problems.

Establishes and maintains departmental operating policies, ensuring compliance with OSHA and other regulations.

Participates in union contract negotiations and ability to administer a negotiated employee union contract.

Supervises and assists a crew of laborers and equipment operators in the construction and maintenance of municipal streets, including repairing streets, placing and rolling asphalt, removing and replacing curbing, and related activities.

Inspects work to ensure conformance with given engineering specifications and standards, and makes necessary adjustments in assignments and methods to correct deficiencies.

Provides technical advice to other Department Heads, the City Manager, and City Council regarding public and private projects and works with consulting engineers.

Supervises and assists the Harbor Master in the installation and removal of floats and docks.

Working knowledge of finance, administration, prepares and is responsible for the public works budgets.

Reviews site plans and subdivision submissions and provides technical advice to the Planning and Codes with respect future development.

Maintains and keeps records, plans and surveys of all roads and property belonging to the City.

Develops specifications for equipment and materials, oversees the bid process; and oversees the maintenance of all departmental equipment and vehicles.

Supervises and assists in all snow removal activities including plowing, sanding and snow removal.

Supervises and assists in regular City clean-ups, tree trimming and removal, and in maintenance of City property.

Ability to organize, direct and coordinate the activities of the Public Works Department, including long term planning.

Schedules work assignments, aids in hiring and discipline matters, and occasionally performs skilled work in the construction of catch basins and manholes and operates equipment.

Handles complaints from the public; appropriately responds to the complainant concerning the disposition of the problem.

Works collaboratively with all City Departments and staff and assists as needed with various construction and maintenance projects at various City owned properties.

Attends meetings and trainings as required or in accordance with the requirements of the position of Public Works Director.

Performs related work as required.

REQUIREMENTS OF WORK

Considerable knowledge of materials, methods, and techniques commonly used in street, sidewalk construction activities.

Considerable knowledge of the local, state and federal laws and regulations applicable to municipal public works activities.

Considerable knowledge of the hazards and applicable safety precautions of the work.

Working knowledge of the operation of construction equipment such as trucks and end-loaders used in road construction work, and ability to supervise and direct the activities of employees engaged in the operation and maintenance of such equipment.

Ability to lay out, direct and supervise the work of a crew performing semi-skilled and unskilled road construction activities and of equipment operators and to obtain efficient results.

Ability to read engineering plans for road or sewer construction and to follow prescribed lines and grades.

Ability to assist crews in the completion of projects and regular tasks.

Ability to understand and follow complex oral and written directions.

Ability to establish and maintain harmonious relationships with employees and to effectively obtain satisfactory work output.

Ability to keep records and prepare reports.

WORKING CONDITIONS

Requires bending, reaching above shoulders, kneeling, crouching, stooping, climbing, work on uneven ground, lifting and carrying objects of up to 50 lbs. individually or 100 lbs. with assistance.

Exposure to moving equipment and machinery.

Exposure to marked changes in the climate including hot, cold wet and dark conditions.

Long hours of overnight, roadway or other service at times.

TRAINING AND EXPERIENCE REQUIRED

Considerable administrative and operational public works experience; experience as a labor foreman on major road construction and maintenance activities; and completion of high school, preferably supplemented by technical training; or any equivalent combination of experience and

training.

NECESSARY SPECIAL REQUIREMENTS

Must possess a valid and maintain an A or B Commercial Driver's License (CDL).

GARY FAULKNER

PUBLIC WORKS DIRECTOR

PROFESSIONAL SUMMARY

Hardworking and detail-oriented management professional with several years of hands-on experience overseeing construction projects from start to finish. Skilled in managing teams of up to 10 individuals and ensuring that projects are completed on time and on budget. Proven track record of successful project completion with minimal errors.

SKILLS

- Worksite safety
- Employee Training
- Teamwork and Collaboration
- Built the kenduskeag picnic area done miles of curbing was sent to brownville me after a flood and rebuilt a road and parking area to the town wells without super vision also built roads for umo and their hill for a projector to show stuff on the side of the building and i also did the ground work for the treatment plant back in 2000 and did the skate board park here in Belfast and i have built a flood plane in Van Buren
- Attention to Detail
- Critical Thinking
- Workplace Safety
- Have plowed snow for the town of Hermon Bangor and Belfast and i can run every piece of equipment we have

EXPERIENCE

● FOREMAN city of belfast

October 2016 - Present

- Inspected work performed by subcontractors and laborers to check conformance with specifications.
- Recorded information, such as personnel, production, and operational data on specified forms and reports.

CERTIFICATIONS

- Local roads for equipment and osha 30
- Class a with tank

Gary Kip Faulkner

September 6, 2024

**City of Belfast Hiring Committee
C/O HR Administrator
131 Church Street
Belfast, ME 04915**

Dear Hiring Committee,

I am writing to express my interest in the Public Works Director position recently advertised by the City of Belfast. With my extensive background in public works management and team leadership, I am confident in my ability to contribute effectively to the Public Works team and help advance the city's infrastructure goals. Throughout my career, I have accumulated over 30 years of experience in public works and excavation, including supervisory roles where I managed crews of equipment operators and workers. My hands-on experience with road construction materials and methods aligns well with the requirements outlined in the job description.

In my current role as Public Works foreman, I successfully led several maintenance projects, ensuring they were completed on time and within budget. My ability to establish and maintain strong working relationships with city leaders, peers, subordinates, and the community has been a key factor in my success. I am particularly proud of building the new section of the Harbor Walk and addressing the situation of underground electrical lines, which demonstrates my commitment to excellence and my capacity to handle complex challenges.

I hold a valid class A Commercial Driver's License (CDL) and have completed technical training in regard to OSHA and heavy equipment operation, which has further equipped me with the skills necessary for this role. My administrative and operational experience, combined with my technical expertise, positions me as a strong candidate for the Public Works Director position.

I believe I am the best candidate for this position because I am passionate about making my mark on the city of Belfast. I take great pride in knowing that I have a hand in making things work smoothly and in helping the city look its best. This personal investment in the community drives my dedication and commitment to the role.

I excel in clear and concise communication with my crew and community members, ensuring everyone understands the processes and procedures to address their specific concerns. I promote cooperative behavior among the crew and make operating decisions in conformance with budget limitations. I am known for my ability to fix things and can be relied on to make sound decisions.

I delegate tasks to improve departmental effectiveness and assign duties to the crew in a way that makes the best use of their skill sets. I can be counted on to manage emergency situations, meet deadlines, and adhere to schedules. I successfully dealt with an OSHA investigation without prior experience, demonstrating my willingness to learn and take on challenges. As a solution seeker, I taught the crew to use a new curbing machine, saving the city thousands of dollars by not having to hire a contractor.

I recognize the needs of others and ensure my team has the support they need. For example, when a new crew member's father passed away, I made sure he got the time off he needed, which built trust and open communication. I always seek the crew's opinions when questions arise, incorporating their ideas into the final solution. I excel in training and motivating the crew, instilling a sense of pride in their work.

My knowledge of OSHA regulations, zoning, and the ability to inspect sewer jobs, combined with my practical, common-sense approach to problem-solving, makes me a valuable asset. I understand the process of requesting and reviewing job bids and always have a backup plan. I make the most of department resources, careful not to waste time or money, and take responsibility for my decisions and those of the crew. I ensure the crew has the resources to do their work and understand the job.

I am particularly drawn to this opportunity because of Belfast's vibrant and development-focused community. I am eager to bring my skills and experience to Belfast and contribute to its continued growth and success. I am confident that my proactive approach, strong work ethic, and dedication to public service will make a positive impact on the Public Works team.

Thank you for considering my application. I look forward to the opportunity to discuss how my background, skills, and certifications can be of value to the City of Belfast. Please find my completed employment application form enclosed.

Sincerely,

A handwritten signature in black ink that reads "Kip Faulkner". The signature is written in a cursive, slightly slanted style.

Kip Faulkner

Public Works Foreman

City of Belfast

Employment Application

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

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

Date of Application: 9/10/2024

Position(s) applied for: Public Works Director

Referral Source: Advertisement Friend Relative
 Job Service Other X

Name: Falkner Gary D.
Last First Middle

Residence Address: _____
Street City State Zip Code Mailing Monroe Me 04951

Address: _____

Phone Number: _____

Email Address: _____

Are you known to schools/references by some other name? yes

If so, what name: Kip

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

If yes, date(s): _____

(2)

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

Charles Field Pitcher Rd Belfast
Brent Bernosky Pitcher Rd Belfast
Dustin Howes Morrill

Employment Experience:

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

1. Employer City of Belfast 2. Employer UMO

From 10/16 to Present From 8/14 to 9/16

Address 25 Barn way Address Orono

Type of Work Public works foreman Type of Work Equip Oper.

Reason for Leaving _____ Reason for Leaving go to work for Belfast

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

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

Been doing this kind of work for 30 years

Education:

Level	Name	Location	Years Completed
Elementary	<u>Anderson</u>	<u>Belfast</u>	<u>4 5 6 7 8</u>
High School	<u>Belfast</u>		<u>9 10 11 12</u>
Undergraduate			<u>1 2 3 4</u>
Graduate			<u>1 2 3 4</u>

(3)

Diploma: GED Academic Vocational

Degree(s) _____

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

AGREEMENT:

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

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

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

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

Date: 9/10/2024

Sandy Fauthner
Signature of Applicant

10B.



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

10C.

MAINE BOUNDARY CONSULTANTS, LLC

Daniel T. Yarumian & Robert A. Yarumian, II

Professional Land Surveyors

Boundary Survey Report

Of The

Municipal Boundary Line

For The

City of Belfast And The Town of Northport

Between The

Dam and The Upper & Lower Mouth

Of The

Little River

On

Penobscot Bay

In The

City of Belfast & Town of Northport,
County of Waldo, State of Maine

October 30, 2024

By

Robert A. Yarumian II, PLS 1303

Maine Boundary Consultants, LLC

Professional Land Surveyors

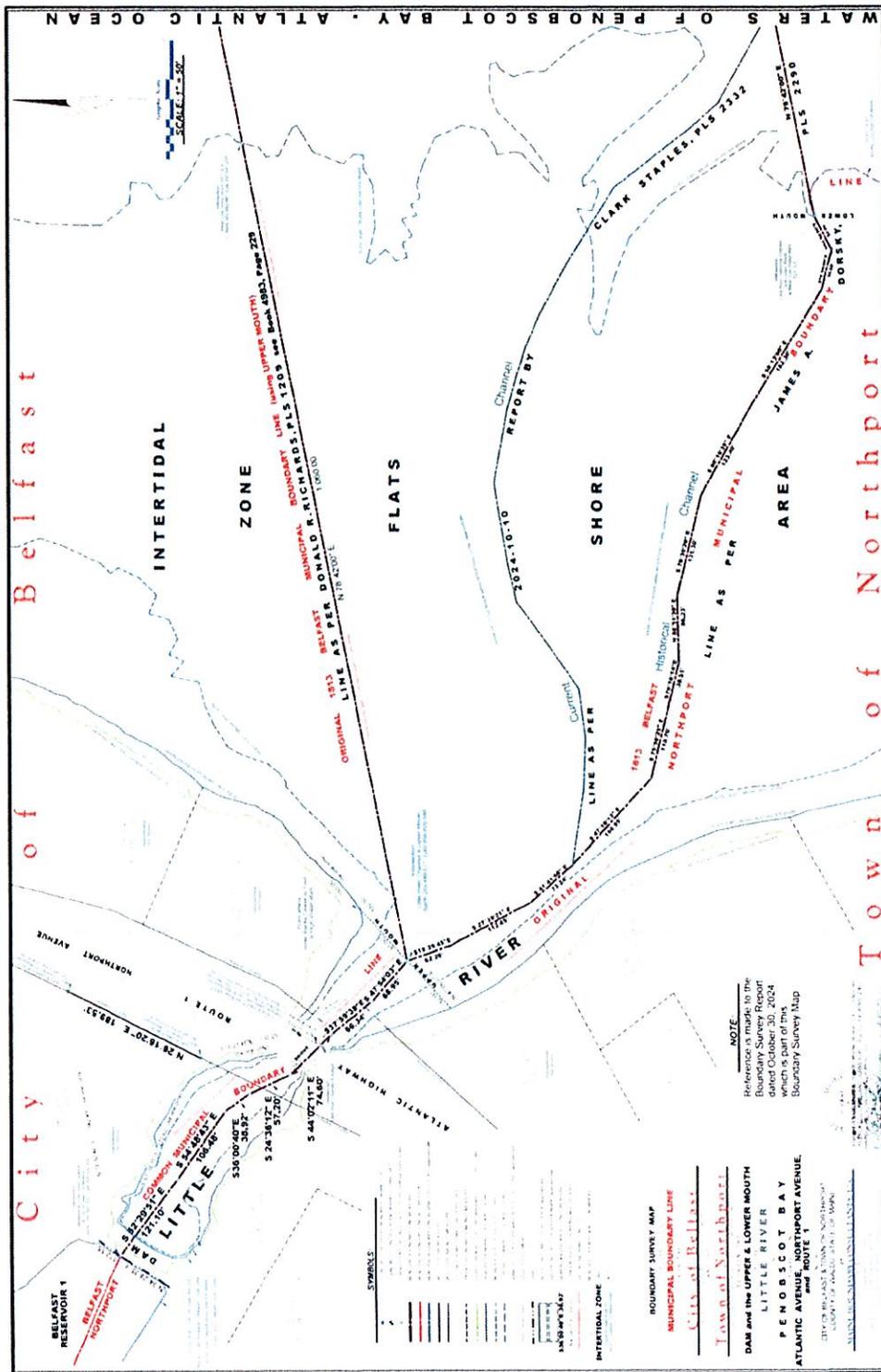
8 River Road, Buxton, Maine



100

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Daniel T. Yarumian & Robert A. Yarumian, II
Professional Land Surveyors



Boundary Survey Map:

Maine Boundary Consultants, LLC
Professional Land Surveyors
8 River Road, Buxton, ME 04093
207-727-5359

From the office of:

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Belfast – Northport Municipal Boundary Lines
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MAINE BOUNDARY CONSULTANTS, LLC

Daniel T. Yarumian & Robert A. Yarumian, II

Professional Land Surveyors

Purpose:

The Purpose of this Boundary Survey Map and Boundary Survey Report is to show and described the results of a Boundary Survey of the Municipal Boundary Lines between the City of Belfast, and the Town on Northport, along the Little River between the Dam, and the Mouth. Reference is made to the Boundary Survey Map, dated October 30, 2024 (*hereafter the "Survey"*). The Purpose of this Survey is based on the Memorandum of Understanding by the City of Belfast and the Town of Northport, dated June 05, 2024, and May 30, 2024.

During this Survey, it became clear that Municipal Boundary Lines were in question. Since 2018 three (3) Professional Land Surveyors have provided three (3) different opinions as to the location of the Municipal Boundary Lines, which is in the Intertidal Zone.

The purpose of this Survey and Report is to provide independent review and analysis of the actual location of the Municipal Boundary Lines. Also, the purpose is to provide measurements of the Municipal Boundary Lines on the face of the earth. In addition, the purpose is to provide aide for the two Municipalities to agree upon and take any necessary confirmation steps to confirm and settle upon the location of the Municipal Boundary Lines.

Municipal Boundary Lines Surveyed:

The Municipal Boundary Lines surveyed are very unique in the following ways:

First the boundary lines surveyed are municipal boundary lines. A municipal boundary line is different than ordinary boundary lines between two private adjoining landowners. This municipal line is the limits of the jurisdictional authority of each of the municipalities. This Survey does not address the location of privately owned land adjoining the Municipal Boundary Lines.

Secondly, the boundary lines surveyed are based on natural monuments that are irregular in shape, and subject to change by natural causes. They also are subject to a difference of opinion as to the actual location on the face of the earth. These natural monuments are unlike regular straight line boundaries between two corners.

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Lastly, all the boundary lines surveyed (except the one on the Dam) are below the High Water Mark, and within the Intertidal Zone. The Intertidal Zone, also known as Flats or Shore area, is the land between the High Water Mark and Low Water Mark affected by the tide waters of Penobscot Bay.

Surveying land within the Intertidal Zone is very rare and does not happen on a regular basis. These Municipal Boundary Lines are based on natural monuments, such as the channel, thread, mouth, and high or low water marks. All water boundary lines are subject to change due to natural causes, such as erosion, reliction, and accretion. They are also subject to differences of opinion as to actual location on the face of earth. Not to mention the meaning of the various terms are subject to different interpretations.

These differences in opinions and interpretations are clearly apparent by the fact that three (3) well respected Land Surveyors did not come to the same conclusions. It should also be noted that none of these three (3) Surveyors provided measurements to the location of the Municipal Boundary Lines.

Creation of the Municipal Boundary Lines:

There are is one (1) important document concerning Northport, and three (3) important documents concerning Belfast.

1795 Northport Incorporation:

The Northport Municipal Boundary was established in 1795 by the Massachusetts General Court in Chapter 40, Page 390, and recorded in the Hancock County Registry of Deeds in "Town" Volume 01, Page 57 (*hereafter the "1795 Northport Line"*).

The description for the Town of Northport starts at the common corner with Belfast being the "Birch" mentioned in the 1796 Waldo Deed (*see below*). The Birch is located at the head of tide. The 1795 Northport Line is described as follows: "*beginning at Litte River, so-called, on*

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Professional Land Surveyors

the line of Town of Belfast". Then it states: "*thence running a Southwesterly course round the shore of Bay called Penobscot Bay & round Duck Trap point, so-called*".

The call for "*shore of Bay called Penobscot Bay*" is subject to the question as to the High Water Mark or Low Water Mark. This Survey assumed the intent was the Channel of the Little River and then the Low Water Mark.

1769 Waldo Deed:

The first time there was a description for Belfast is from a deed by Waldo Heirs to Moses Barnet and 34 others (assumed to be the Proprietors of Belfast) recorded in the Lincoln County Registry of Deeds in Book 09, Page 49. (*hereafter the "1769 Waldo Deed"*).

The 1769 Waldo Deed mentions the line from the "*Westerly round the Harbor called Pesseaeqokeeg to Little River.....thence upwards by sundry turns in little River, about as far as Saltwater flows, and crossing the River to black Birch Tree, computed thirty seven chains (or 2,442')*".

1773 Belfast Incorporation:

Belfast was incorporated as a town as per "An Act for Incorporating a certain tract of land on the Westerly side of Penobscot Bay, into a Town by the Name of Belfast" on June 29, 1773, as per Chapter 3, Province Laws, 1773-74.

Similar to the 1796 Waldo Deed the 1773 Belfast Incorporation mentions: "*Westerly round the Harbor called Passageeswokey to Little River....Thence up said river as far as salt water flows*".

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1813 Belfast Line:

On June 16, 1813, the Senate and House of Representatives, in General Court re-established the Town of Belfast's boundaries. It appears Belfast obtained further jurisdiction to the waters within Penobscot Bay. The additional jurisdiction extending out into the waters of Penobscot Bay was necessary due to an expanding harborage. The June 16, 1813, "*An Act to Establish the Boundaries of the Town of Belfast in the County of Hancock*" (hereafter the "*1813 Belfast Line*") clearly describes an area of land beyond the Low Water Mark into the said waters, starting with a line on the easterly side of Belfast along the town of Prospect at Half-way creek, so called.

Thence following the course of the channel of Half-way creek; to ledge of rocks, projecting from the said of Prospect, at the tides of water of Belfast Bay; thence running south into said bay until said course intersects a line running due east from the mouth of the Little River: thence running west to the said mouth of Little River; Thence by the town of Northport, up said Little River following the course of its ancient channel, which includes the island in said river, within the town of Belfast, to a marked yellow birch tree, standing on the west bank of said river

The "*marked yellow birch*" is the "Birch mentioned in the 1769 Waldo Deed, and the 1795 Northport Line. The "*island in said river*" is within the submerged lands above the Dam apparently called Belfast Reservoir One (1).

The direction of the line "*due east from the mouth of the Little River*" (hereafter the "*Straight Line*") can be accurately determined. (*see Straight Line below*).

The true intent of the term "*mouth of the Little River*" is assumed to be the Upper Mouth, instead of the Lower Mouth. The Upper Mouth is very visible and available to be observed by any mariner within the waters of Penobscot Bay, during all tides. The location of the Lower Mouth being at Low Water Mark is only visible during low tide. The Lower Mouth does not seem practical to be the intended natural monument which is covered with water most of the time.

The "*course of its ancient channel*" without a doubt is lost and cannot be determined with any certainty, let alone accuracy.

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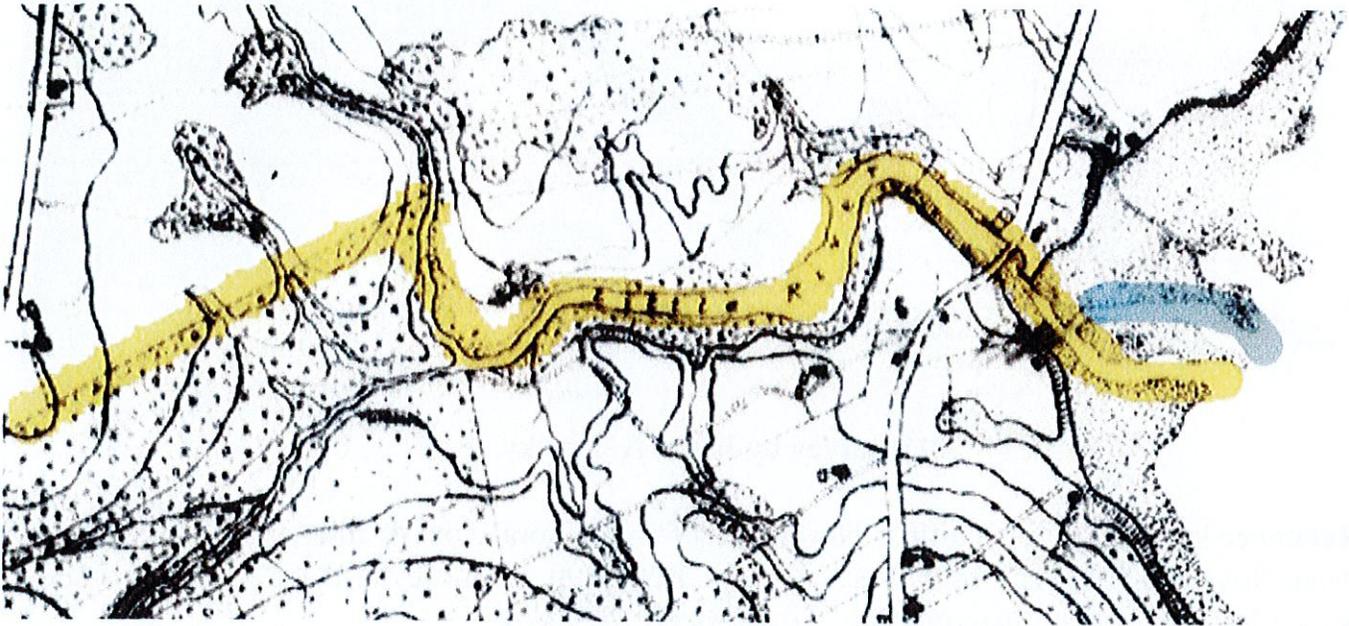
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Historical Maps:

All of the old and ancient maps in this area do not show a boundary line extended beyond the Upper Mouth. There is no historical map showing the Straight Line, so-called, of Belfast extending out into the waters of Penobscot Bay. Nor are there historical maps showing the Northport line extending beyond Mouth to the Low Water Mark. The 2024 Addendum Survey Report and Certification by Donald R. Richards (*see Deed Book 5008, Page 209 WCRD*) contains a number of these historical maps.

1872 US Coast Survey:



1872 US Coast Survey:

The 1872 US Coast Survey is the best available historical map which shows the Little River channel, contours, island, marshes, contours, field and forested areas. The 1872 US Coast Survey, also shows two outlet channels within the Intertidal Zone. The southerly channel is the “*Historical Channel*” and the northerly channel is “*Existing Channel*”.

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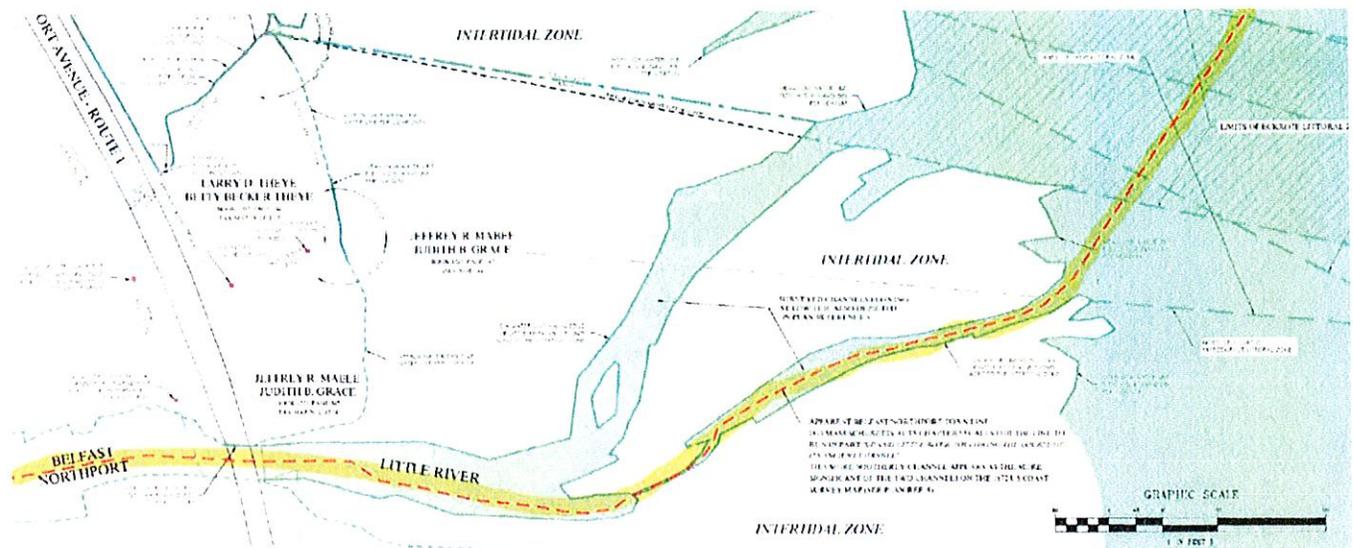
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Three Different Opinions:

Since 2018, three (3) Professional Land Surveyors have provided three different opinions as to the location of the Municipal Boundary Lines, within the Intertidal Zone.

2018 Survey by James A. Dorsky, PLS:



2018 Survey by James A. Dorsky, PLS:

Reference is made to plan entitled “Nordic Aquafarms Littoral Zone & Intertidal Zone Survey,” dated November 14, 2018, by James A. Dorsky, PLS 2290, of Gartley & Dorsky Engineering & Surveying, unrecorded (*hereafter the “2018 Dorsky Survey”*).

The 2018 Dorsky Survey shows the Municipal Boundary Line running from the bridge on Route 1, along the Little River within the Intertidal zone and use the “*Historical Channel*” being the southerly of the two channels. The said 2018 Dorsky Survey states: “*This more southerly channel appears as the more significant of the two channels on the 1872 US Coast Survey Map*”. I agree with this.

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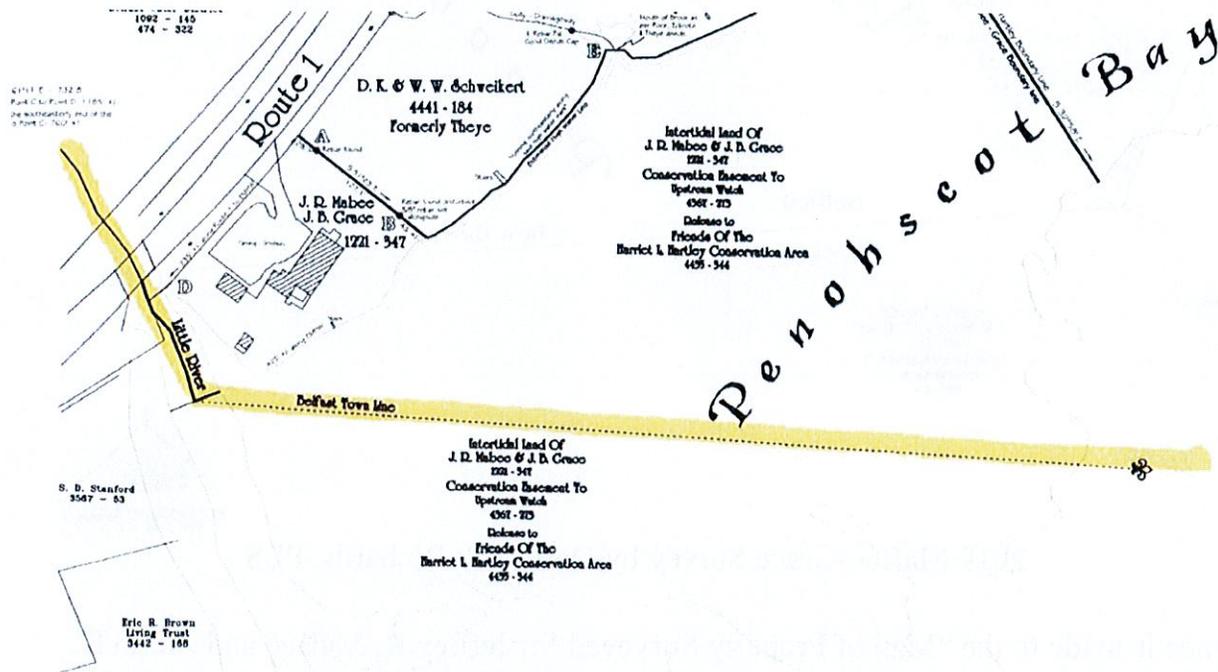
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Professional Land Surveyors

The said 2018 Dorsky Survey used the Lower Mouth, where the channel of the River intersects with the Low Water Mark, to begin the Straight Line into the waters of Penobscot Bay. This is incorrect.

2019 Hartley Survey by Donald R. Richards, PLS:



2019 Hartley Survey by Donald R. Richards:

In 2019 Donald R. Richards, PLS produced two surveys, the first is the 2019 Hartley Survey.

Reference is made to the “Map of Property Surveyed for Friends of the Harriet L. Hartley Conservation Area,” dated January 2019, by Donald R. Richards, PLS 1209, of Richards, Chanston & Chapman, LLC, and recorded in the Waldo County Registry of Deeds in Plan Book 24, Page 54 (*hereafter the “2019 Hartley Survey”*).

The second Richards survey is the:

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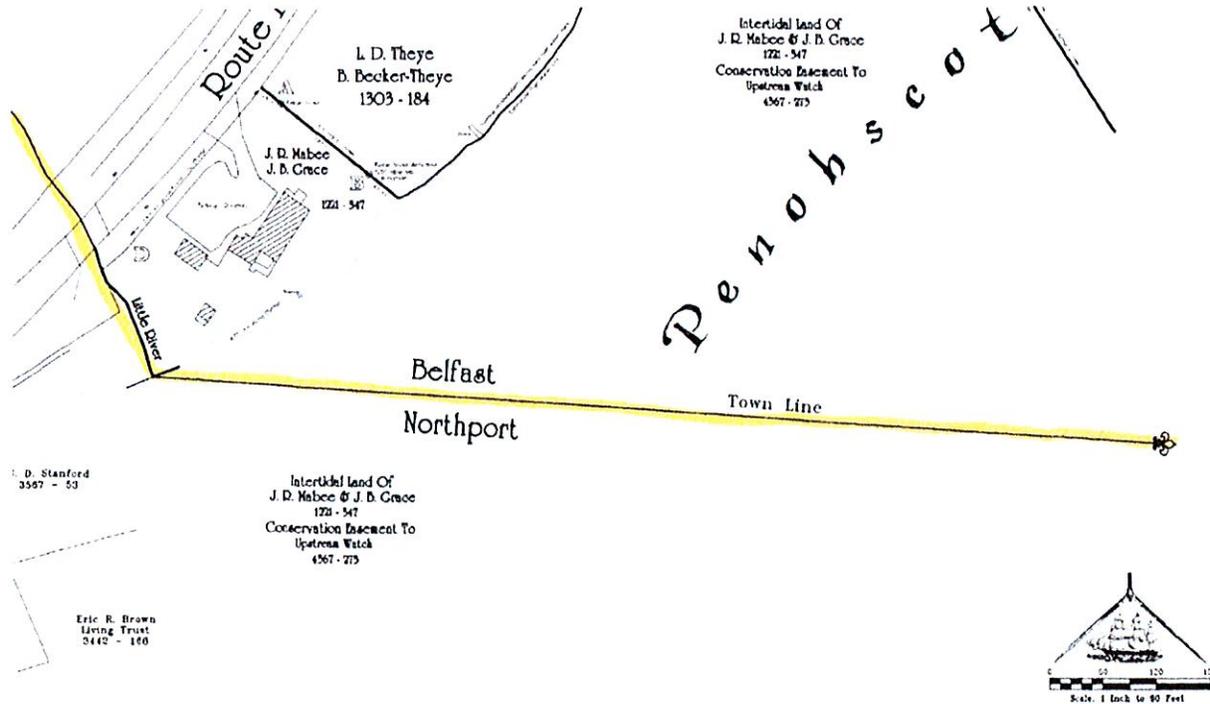
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2019 MaBee-Grace Survey by Donald R. Richards, PLS



2019 MaBee-Grace Survey by Donald R. Richards, PLS

Reference is made to the “Map of Property Surveyed for Jeffrey R. MaBee and Judith B. Grace” dated October 01, 2019, Corrected and Amended October 04, 2019, by Donald R. Richards, PLS 1209, of Richards, Chanston & Chapman, LLC, and recorded in the Waldo County Registry of Deeds in Plan Book 24, Page 34 (*hereafter the “2019 MaBee-Grace Survey”*).

The 2019 MaBee-Grace Survey and the 2019 Hartley Survey correctly shows the location of the Mouth (or Upper Mouth) of the Little River, and the Straight Line running easterly into the water of Penobscot Bay.

Neither survey has any mathematical information or dimensions to relate the “Town Line” and the “Little River” to the face of the earth or any monumentation.

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The 2019 MaBee-Grace Survey incorrectly shows the Town of “Northport” adjoining “Belfast”, being the Straight Line, so-called. There is no evidence that the jurisdiction of the Town of Northport expanded across the Little River.

As a result, the 2018 Dorsky Survey, does not acre with the 2019 MaBee-Grace Survey and the 2019 Hartley Survey.

2024 Report and Certification by Donald R. Richards, PLS: (two)

In March and June of this year Donald R. Richards, PLS, completed two “Survey Report(s) and Certification(s) of the Belfast and Northport Municipal Lines”.

2024 Report by Donald R. Richards:

Reference is made to the “Belfast & Northport Intertidal Municipal Lines Survey Report and Certification of Donald R. Richards, P.L.S., L.F., dated March 29, 2024, and recorded on March 29, 2024, in the Waldo County Registry of Deeds in Book 4983, Page 229 (*hereafter the “2024 Report by Richards”*).

2024 Addendum by Donald R. Richards:

Reference is made to the “Belfast & Northport Intertidal Municipal Lines Addendum to Survey Report and Certification of Donald R. Richards, P.L.S., L.F., dated March 29, 2024, and recorded on June 21, 2024, in the Waldo County Registry of Deeds in Book 5008, Page 209 (*hereafter the “2024 Addendum by Richards”*).

The 2024 Report by Richards mentions the 2019 Hartley Survey and the 2019 MaBee-Grace Survey, neither contains any measurements to the purported Municipal Boundary Lines.

The 2019 MaBee-Grace Survey shows “Northport” northerly or easterly of the Little River and next to the Straight Line of Belfast, whereas the 2019 Hartley Survey does not mention Northport.

On paragraph 29, of the 2024 Report by Richards states “*It is reasonable to assume that the limits of the town’s dominion would beup to adjoining the City of Belfast*” and “*Therefore, it*

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is reasonable to determine that the municipal boundary runs along the low water line of the shore and at the location of the estuary adjacent to the Mouth of Little River that Northport town boundary line adjoins Belfast's boundary from mouth of Little River along the well described boundary of City of Belfast to the low water line".

Here Surveyor Richards used the terms "*reasonable to assume*" and "*reasonable to determine*" that the Northport adjoins the "Straight Line" of the Belfast Municipal Boundary Line. I disagree with this.

The 1795 Northport Line states: "*beginning at Little River, so-called,*" and then the first call is: "*thence running a Southwesterly course round the shore of Bay called Penobscot Bay*". Clearly the limit of this line is at "*Little River*" and "*round the shore*".

The 1813 Belfast Line states: "*thence running west (Straight Line) to the said mouth of Little River; Thence by the town of Northport, up said Little River*". It is clear that the line running West (Straight Line) to the Mouth of Little River is NOT along Northport, and the next call up said Little River is along Northport. As a result, between the Upper Mouth and the Dam, the City of Belfast and the Town of Northport share a common Municipal Boundary Line.

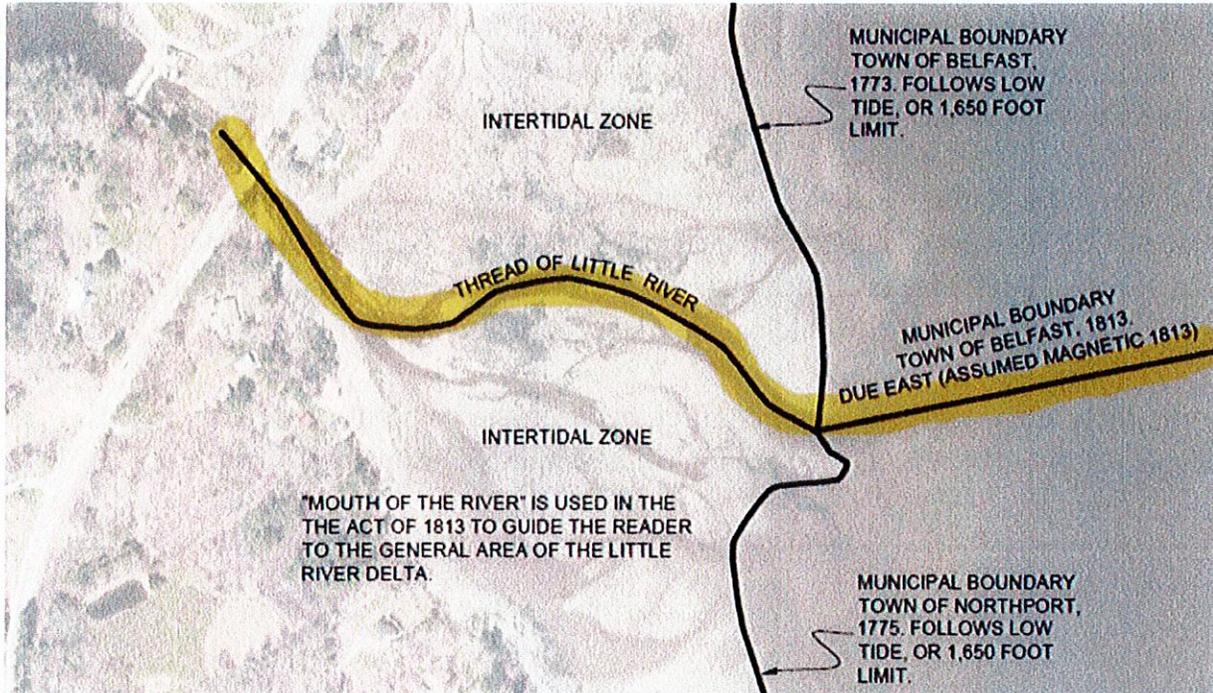
I do not agree with the assumption and the determination of Surveyor Richards that Northport jurisdiction crosses the Little River and includes the Intertidal Zone up to the Straight Line of the City of Belfast.

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2024 Report and Sketch Plan by Clark Staples, PLS



2024 Report and Sketch Plan by Clark Staples, PLS

Reference is made to the "Report on the Northport/Belfast municipal boundary in the vicinity of the Little River" dated October 10, 2024, and the "Sketch Plan" found on Exhibit D of the said Report by Clark Staples, PLS 2332, of Good Deeds Land Surveying (*hereafter the "2024 Sketch by Staples"*).

The 2024 Sketch by Staples used the "*Thread of Little River*" and its Current Channel to determine where the mouth is and another Straight Line which runs into the waters of Penobscot Bay.

The 2024 Sketch by Staples does not agree with either the 2018 Dorsky Survey, the 2019 MaBee-Grace Survey, or the 2019 Hartley Survey. Each of the three (3) Surveyors identified a different location of the so-called, Mouth.

From the office of:

Maine Boundary Consultants, LLC

Professional Land Surveyors

8 River Road, Buxton, ME 04093

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MAINE BOUNDARY CONSULTANTS, LLC

Daniel T. Yarumian & Robert A. Yarumian, II

Professional Land Surveyors

It is my opinion, as well as the 2018 Dorsky Survey, that the Current Channel is not the original main Historical Channel as shown on the 1872 US Coast Survey. The Historical (southerly) Channel would have been the original main channel in 1795 when Northport was created. The difference in elevation between the Current Channel and the Historical Channel is less than one (1') foot in elevation. In other words, the Historical Channel has been filled in ever so slightly to allow the Current (northerly) Channel to become the main flow of water during low tides.

The 2024 Sketch by Staples used another location of the Lower Mouth, situated at the intersection of the Current Channel with the Low Water Mark. It should be noted that the 2024 Sketch by Staples, 2019 MaBee-Grace Survey, and 2018 Survey by James A. Dorsky did not make any measurements to the Municipal Boundary Lines.

As a result, there is a disagreement, or conflict, between the opinions of these three (3) Professional Land Surveyors, as the location of the Municipal Boundary Lines.

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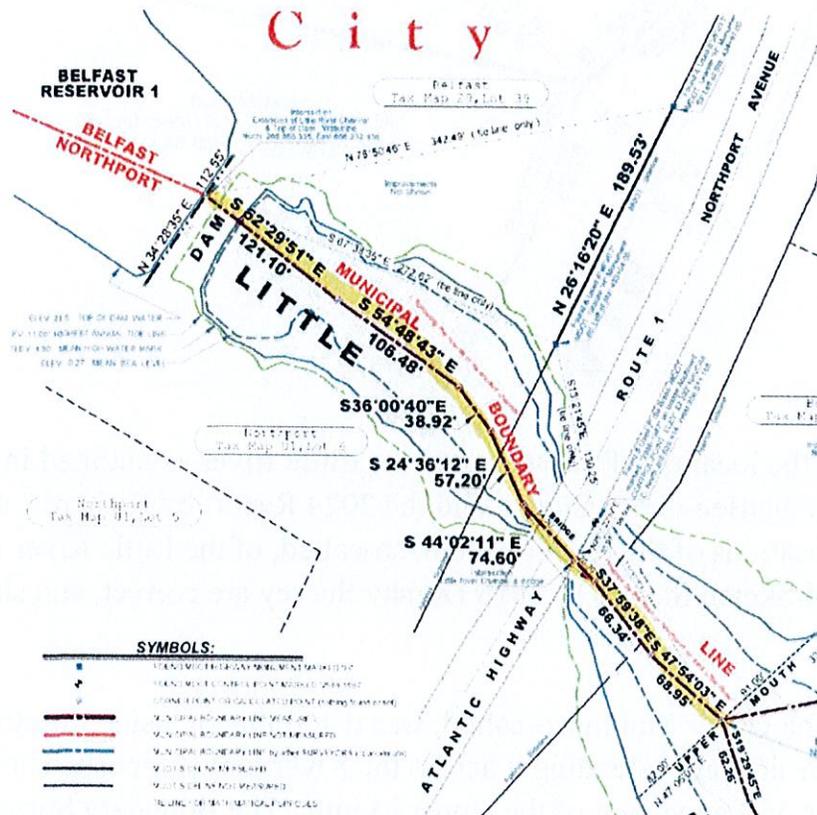
Daniel T. Yarumian & Robert A. Yarumian, II

Professional Land Surveyors

Results of Measured Municipal Boundary Lines:

Below is a final explanation of certain sections of the Municipal Boundary Lines.

Common. Municipal Boundary Lines: (Channel Little River:)



Common Municipal Boundary Lines:

The Municipal Boundary Line between the Dam and the Mouth is a section that the two Municipalities actually adjoin each other. The Existing Channel was field surveyed by locating major angle points along the Channel of the Little River. The measured boundary line is very close to the Existing Channel. The Existing Channel is the best available evidence that can be used to determine the location of this section.

From the office of:

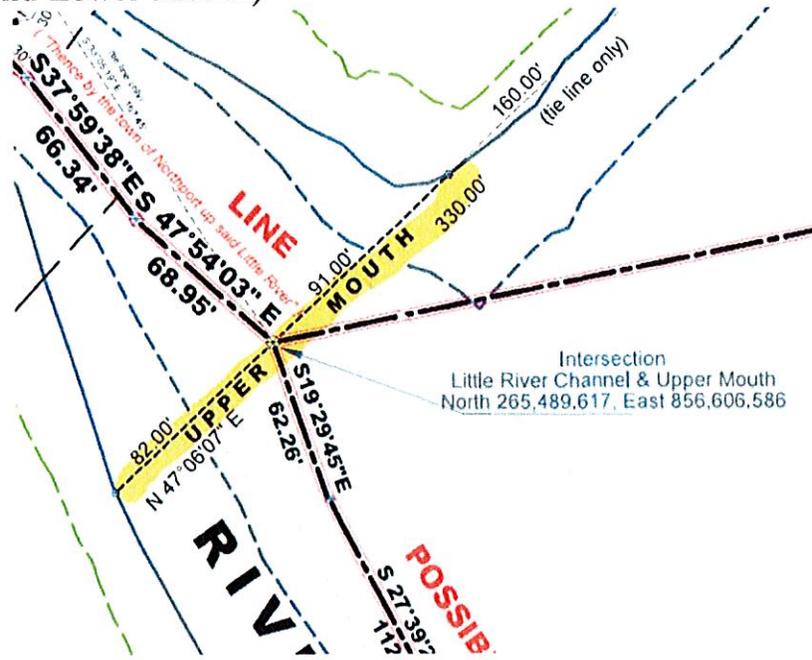
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Mouth: (Upper and Lower Mouth)



Mouth:

It is my opinion that the location of the Mouth of the Little River as outlined in the 2019 Hartley Survey, 2019 MaBee-Grace Survey and the 2024 Report by Richards, are correct. Neither of the two locations of the Lower Mouth, so-called, of the Little River at the Low Water Mark as per the 2024 Sketch Staples or 2018 Dorsky Survey are correct, and should not be used.

During this Survey the Upper Mouth, so-called, was determine by using the straight section of the bank on the north side and extending it across the River to the opposite shore. The Survey shows measurements of the location of the Upper Mouth. The Boundary Survey Map shows the “*Intersection Little River Channel & Upper Mouth*” is very close to the location shown on the 2019 Hartley Survey, 2019 MaBee-Grace Survey, and outlined in the 2024 Report by Richards.

At the Upper Mouth so-called, the two Municipal Boundary Lines separate. The City of Belfast Municipal Boundary Line is the Straight Line, so-called, that crosses over the Intertidal Zone, Low Water Mark and extends into the waters of Penobscot Bay. The Town of Northport Municipal Boundary Line continues southeasterly along the Historical Channel of the Little River.

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Belfast Straight Line:

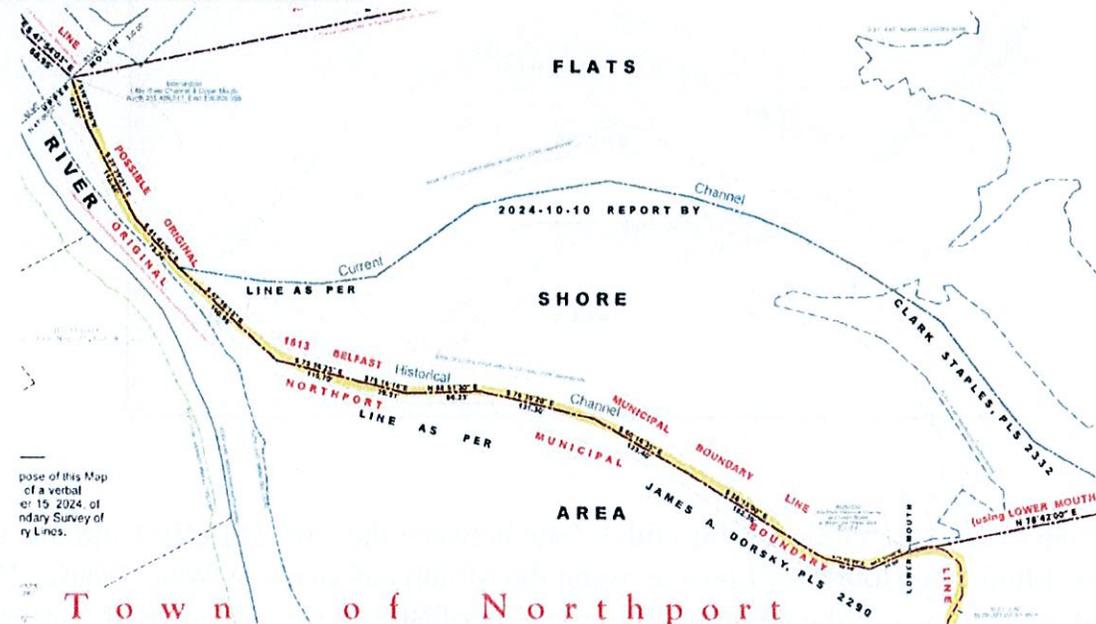


Straight Line:

The Straight Line of the Belfast Municipal Boundary Line was determined during this Survey by using the location of the said Upper Mouth and a line running due East on an 1813 course.

According to NOAA's Magnetic Field Calculators the calculated declination in 1813 was $11^{\circ}18'$ West of True North. Therefore the direction of the Straight Line was determined to be $N78^{\circ}42'00''E$. This direction agrees with the said previous three (3) Surveyors' work.

Northport - Historical Channel:



Northport - Historical Channel:

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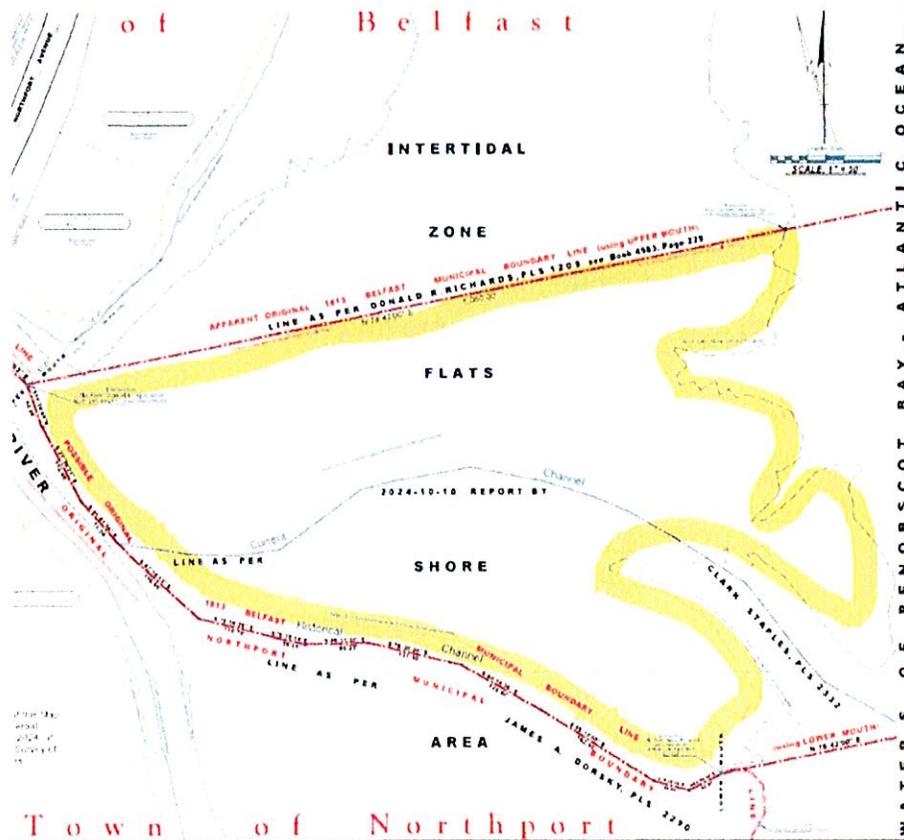
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Professional Land Surveyors

From the Upper Mouth the Northport Municipal Boundary Lines run southerly along the Channel of Little River. The Historical Channel was field surveyed by locating major angle points. Toward the end it was located by using Lidar contour information. The measured boundary line is very close to the existing Channel. The location of this section along the Historical Channel is also in agreement with the 2018 Dorsky Survey. Once the Channel reaches the Low Water Mark the Northport Municipal Boundary heads southerly along the Low Water Mark.

Gap:



Gap:

There is a Gap of land all within the Intertidal Zone between the City of Belfast and the Town of Northport Municipal Boundary Lines between the Mouth and the Low Water Mark. This Gap of land is not in part of the jurisdiction of the City of Belfast nor the Town of Northport. Therefore, it would be under the jurisdiction of the State of Maine. This Gap of land consists of about 11 acres, more or less, of Intertidal Zone land. The elevation of this land ranges from the

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Low Water Mark at Elevation -5.4' to an average height of Mean Sea Level at Elevation -0.27'. This indicates that the Gap of land is only exposed between Mid Tide and Low Tide.

Measurements and Monuments:

The measurements of Municipal Boundary Lines shown on the Survey are tied to MDOT Right of Way Monuments and Survey Control Point. Also, the measurements are tied to the State of Maine State Plane Coordinate System. As a result, all the measurements shown on this survey can be reproduced on the face of the earth.

At this time no monuments have been set for the results of this Survey. All the measurements shown on this Survey can be reproduced by utilizing the State Plane Coordinate System that is shown of the Survey at key corners. Also the MDOT Right of Monuments and Survey Control Point can be used for references and witness monuments. As a result, the lines and points shown on this Survey can easily be recreated or established on the face of the earth.

Summary:

The result of this Survey shows the measurements starting at the top of Dam, at the Normal Water Line of Belfast Reservoir One, so-called, of the Little River. The Common Municipal Boundary Lines runs southeasterly along the existing meandering channel. The Common Municipal Boundary Lines continue under the Route 1 bridge, to the so-called Upper Mouth. From there the two Municipal Boundary Lines depart in two directions.

The Town of Northport Municipal Boundary Lines continue along the Little River to the so-called, Lower Mouth, at the Low Water Mark, then continues along the Low Water Mark southerly.

At the Upper Mouth the City of Belfast Municipal Boundary Lines runs easterly in a "Straight Line" across the Intertidal Zone to the Low Water Line, and beyond extending into the waters of Penobscot Bay.

As a result, there is an area of the Intertidal Zone also known as the Flats or Shore Area that remains in the jurisdiction of the State of Maine. There is no evidence that indicates the Town

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Daniel T. Yarumian & Robert A. Yarumian, II

Professional Land Surveyors

of Northport has jurisdiction on any Intertidal Zone on the other side (northerly) of the Little River. There is no evidence that indicates the City of Belfast has jurisdiction of any Intertidal Zone beyond (southerly) the Straight Line.

This Survey provides an accurate surveyed measurements to the existing (current) natural monuments of the Municipal Boundary Lines.

As stated above, the boundary lines surveyed are very unique. There is clearly a difference of opinions as to the locations. The original location of the Ancient Channal of Little River cannot be definitively located. The natural water related monuments are subject to change and are subject to differences in interpretation.

It is recommended each Municipality accept the location of the measured Municipal Boundary Lines shown on this Survey and to fixed and permanently established these measured lines. Which will result in the Municipal Boundary Line not being subject to change based on natural causes and or differences in interpretation.

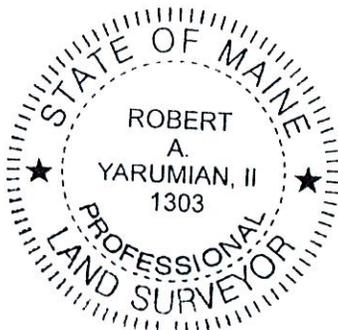
It is highly recommended that the City of Belfast, the Town of Northport, and perhaps the State of Maine, take the necessary steps and formerly establish the Municipal Boundary Lines based on the measurements shown on this Survey.

Respectfully submitted,



Robert A. Yarumian II, PLS

MAINE BOUNDARY CONSULTANTS, LLC



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Belfast – Northport Municipal Boundary Lines

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10D.



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 23, 2024
RE: Vehicle Purchase

During the 2024-2025 Budget Process, the Belfast Parks and Recreation Department proposed to replace a 2012 Ford F-150 light duty pick-up truck with a GMC truck via the Maine Fleet Vehicle State Purchasing Contract. At the time of the budget process, the new state contract documents were not available, so we estimated costs using the 2023-2024 contract price + 8%, for an approximate cost for this vehicle at \$49,123. The new contract became available during the first week in October, and I have been working with the local vendor—O'Connor in Augusta—to price this replacement vehicle. Per the new state contract, the 2025 GMC Sierra 1500 is priced at a cost of \$48,925 as a base price.

During this work, it was determined that we should include two add-ons to match the current fleet: 1) cab-mounted emergency light (\$400), and 2) spray-in bed liner (\$675). These two additions were also purchased with the fleet vehicle that was delivered in January 2024.

The Department also considered auctioning the current 2012 Ford F-150 through a bid process, but O'Conner offered to appraise the truck for a trade-in price, and they offered to handle the removal of the vehicle from Belfast to Augusta. They have offered \$1,000 trade-in value.

Therefore, I am recommending to the Belfast City Council the purchase of the GMC Sierra 1500 to include the two add-on items noted above from the Maine Fleet Vehicle State Purchasing Contract through O'Conner in Augusta. The funding costs are summarized below:

\$48,925	– State Contract Base Price
+ \$ 400	– Emergency Light
+ \$ 675	– Spray-in Bed Liner
\$50,000	
- \$ 1,000	– Trade-In
\$49,000	– Total Purchase Price on State Contract

\$49,123 - Available funding for this purchase through the FY25 City Budget



IOE, F + G.



CITY OF BELFAST

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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 22, 2024
RE: Ordinances: Chapter 38 - Parks and Recreation

The Belfast Parks and Recreation Department is presented the first reading of the Parks and Recreation Ordinances on Tuesday, October 15, 2024. Agency director received feedback on several ordinances and with the assistance of the Deputy City Manager, reviewed the research regarding previous park hours discussions and made suggested edits where requested. Therefore, this memo has been updated to highlight changes within the draft, in preparation of the second reading scheduled for Wednesday, November 6, 2024.

For review, 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 the original draft, reviewed on October 15, and for the second reading on November 6.

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 older 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 – Sec. 38-31 through Sec. 38-42

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





CITY OF BELFAST

131 Church Street
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Memo to City Manager Herbig

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also reflects that both the Little River Trail and the Belfast Rail Trail fall 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 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.

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.

Sec. 38-72 through Sec. 38-90 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 and park areas 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. After the first reading, two additional facility names were added to the general introduction under Parks and Park Areas.





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Sec. 38-73. Penalty

Because there are current and potential for repeat offenders, the penalty language was updated to discourage park users from breaking park rules and regulations. After the first reading, the 2nd offense was changed to a \$100 fine.

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. After the second reading, Councilor Mortier requested that Item 3 be updated for clearer meaning.

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 have been rectified with consistent 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 with the Commission, 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 9:45 PM and not left on accidentally which does happen quite often in the current operational style.

Lastly, we clarified that all other parks and park areas are open sunrise to sunset as there are no other lighted fields at this time nor any reason to stay open past dark, unless there is a city-permitted night activity or event. If lights are added in the future, this ordinance can be updated.

A robust discussion was held during the first reading of the proposed ordinance changes regarding Belfast Common and the other parks that have a pedestrian access path traversing the grounds. Through the research conducted by the Deputy City Manager and Parks and Recreation Director, regarding City Council discussions and action taken in 2017, staff reviewed the





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recommendations and have incorporated that information into the draft ordinances, in preparation for their second reading. Therefore, Sec. 38-76 has been amended to capture a motion made on June 20, 2017 regarding the Belfast Common and Belfast Common Parking Lot: "Councilor Hurley, seconded by Councilor Harkness, made a motion to amend the original motion to include no skateboarding in the Belfast Common and Common Parking Lot, to close the Belfast Common Parking lot at 9 PM unless you have a resident parking permit, and to increase Police presence to help enforce no littering and no smoking in this area as well. This motion was approved, 5-0."

It is important for residents to understand that pedestrian pathways remain open for connectivity at all times, particularly for point-to-point access; however, during posted closed hours, pedestrians should only utilize those paths and should not enter any of the parks or park areas since those areas are closed unless there is a city-permitted event or activity during typically closed times. Transportation corridors for pedestrians and cyclists are important and necessary and those that cross park lands should be preserved; however, other activities are not permitted when the parks and park areas are closed.

Sec. 38-79. Remaining in Parks and Parks Areas After Closing Hours

Since the first reading, a small notation was made in this section to provide an exception for permitted events where vehicles/trailers (i.e., food vendors) may be parked overnight as part of the larger event.

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.

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





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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.

As requested during the first reading, clarifying language was added to separate Belfast City Park and other parks and park areas since Belfast City Park has its own hours and the rest of the parks and park areas operate under sunrise to sunset (closed sunset to sunrise).

In section D, Councilor Mortier requested clarifying language regarding driving within Belfast City Park, especially where the upper and lower loops intersect.





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Sec. 38-85. Smoking prohibited.

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





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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 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, **trails**, 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, **with opportunity for public comments during the agenda.**

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 **commission** member, the responsibility for communicating **C**ommittee **commission** perspective, recommendations or decisions to the City **C**ouncil, City **M**anager ~~and~~ 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 ~~Clerk~~ **Executive Assistant** 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 **commission** 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. 38-72 Definitions.

[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, **Walter Ash Jr. Recreational Area, the Little River Trail, 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. 38-73 Penalty.

[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 offense, \$100 for the 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.

Any violation of the Belfast Common parking lot hours and the restriction of skateboards anywhere in the Belfast Common, noted in subsection 38-76 and as posted on-site, shall be enforced by the Belfast City Policy Department or the Waldo County Sheriff's Department, and shall be subject to a \$500 fine for each violation.

Sec. 38-74 Enforcement.

[Ord. of 4-17-1979, § 11]

This article shall be enforced by the City **P**olice **D**epartment, or by the **Waldo C**ounty **S**heriff's **D**epartment and the **Maine S**tate **P**olice when requested by the City **P**olice **D**epartment or the City **M**anager.

Sec. 38-75 Waiver 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 expenses **for the City or place an undue burden onto the City's** police **department's** operations. ~~by the City.~~

Sec. 38-76 Hours.

[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 **C**ouncil and shall be enforceable when posted by signs set in a reasonable locations **s** at or near the primary entrances to such parks **s**.

Other than Belfast City Park and Belfast Common, all other parks and park areas are open from dawn to dusk throughout the year.

(a)

The **Belfast** City **P**ark will be closed from ~~10~~**4:00** 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, other than City maintenance vehicles, are prohibited from entering the park from any access point.

(b)

The upper parking lot of Belfast Common Park, Union Street, except to those given City-issued permits or in the event of authorized events, shall be closed to all use, parking, and activity of any kind each evening after 9:00 pm, and shall re-open at 6:00 am each morning. In addition, there shall be no use of skateboards anywhere at any time in Belfast Common.

(c)

For all parks and park areas that have pedestrian access paths (Heritage Park, Steamboat Landing Park, Belfast Common), those transportation corridors will remain open and available 24 hrs. per day for access from point-to-point, allowing pedestrians or cyclists to pass through the facilities. The parks and park areas, however, remain closed from dusk to dawn for any gatherings, activities, or events, unless an event has a city-approved special event permit.

Sec. 38-77 Speed 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. 38-78 Motor 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 parks **and park areas** 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. **Vehicles/trailers such as food trucks, as part of a permitted special event in the facilities noted as special event parks, may be allowed to remain overnight during the permitted activity.**

Sec. 38-80 Peddling or soliciting.

[Ord. of 4-17-1979, § 7]

No soliciting or peddling shall be allowed in any park areas, **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 Parks or Park Areas.

[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 **any City parks** ~~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** vehicle **of any type** 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 **P**ark during the hours between 10:00 p.m. and 6:00 a.m.

No vehicle of any type shall be left, attended or unattended, in any City parks or park areas between sunset and sunrise. Any vehicle found in the **City parks or park areas** during these hours will be subject to removal at the registered owner's expense.

(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 **Belfast** City **P**ark all vehicles shall turn to the right and follow the roadway **counter-clockwise** around the park in one direction, **following the directional signage; where the upper and lower loops intersect, all vehicles must follow all posted 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)]

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

There shall be no smoking or tobacco use in any **of the City's parks and park areas 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 device including cigars, cigarettes, pipes, and e-cigarettes (vaping) to include nicotine or cannabis products 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.

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. 38-87 Alcohol Prohibited

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 and park areas 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 plastic or paper cups and within designated and bounded areas; glasses or glass bottles 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. 38-88 Belfast 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 boundary 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 served must remain within designated and bounded area.

The Belfast Boathouse is a Smoke Free facility.

Sec. 38-89 Firearms in City Parks and Parks Areas

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 licensed for on-premises consumption of liquor. Special event designated areas where alcohol is sold/served would prevent an individual from carrying a firearm when inside those areas.

Sec. 38-90 Other 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).

10H, I, + J.



CITY OF BELFAST, MAINE 04915
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**NOTE TO BELFAST CITY COUNCIL
OCTOBER 22nd, 2024
SECOND READING AND PUBLIC HEARING
PROPOSED ORDINANCE AMENDMENTS REGARDING MANUFACTURED HOUSING
COMMUNITY STANDARDS AND INTOWN DESIGN REVIEW COMMITTEE
FROM BUB FOURNIER, DIRECTOR OF PLANNING AND CODES DEPARTMENT AND
ALEXANDRA E. SYKES, CITY PLANNER**

On October 15, 2024 the Belfast City Council voted 4-0 to proceed with a Second Reading and Public Hearing on a package of Ordinance Amendments regarding the proposed amendments to the City Code of Ordinances, Manufactured Housing Community Standards in Chapter 102 Article VII, Division IV and Chapter 80 Intown Design Review. Based on the City Councilors comments received at the First Reading, minor section references were updated in the draft language of the Intown Design Review Ordinance.

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.

Potential City Council Action

For the upcoming November 6th, 2024 City Council meeting, staff is respectfully requesting to present both proposals within the Ordinance Amendment package for a Second Reading. Following the presentations, staff respectfully asks that the City Council hold a Public Hearing on these Ordinance Amendments as recommended by the Planning Board and Intown Design Review Committee. Following the Public Hearing, staff respectfully asks the City Council to discuss the proposals and consider a motion to adopt these proposed Ordinance Amendments.

1. **Motion #1:** The City Council, at its meeting on November 6th, 2024, hereby adopts the proposed Ordinance Amendments to Chapter 102 Zoning, Article VIII, Division IV, as such were presented at the November 6th, 2024 Second Reading.
2. **Motion #2:** The City Council, at its meeting on November 6th, 2024, hereby adopts the proposed Ordinance Amendments to Chapter 80 Intown Design Review, as such were presented at the November 6th, 2024 Second Reading.

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 **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 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.

10K, L, +M



CITY OF BELFAST, MAINE 04915
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PLANNING AND CODES DEPARTMENT

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NOTE TO BELFAST CITY COUNCIL

OCTOBER 22nd, 2024

SECOND READING AND PUBLIC HEARING

**PROPOSED ORDINANCE AMENDMENTS REGARDING MANUFACTURED HOUSING
COMMUNITY STANDARDS AND INTOWN DESIGN REVIEW COMMITTEE
FROM BUB FOURNIER, DIRECTOR OF PLANNING AND CODES DEPARTMENT AND
ALEXANDRA E. SYKES, CITY PLANNER**

On October 15, 2024 the Belfast City Council voted 4-0 to proceed with a Second Reading and Public Hearing on a package of Ordinance Amendments regarding the proposed amendments to the City Code of Ordinances, Manufactured Housing Community Standards in Chapter 102 Article VII, Division IV and Chapter 80 Intown Design Review. Based on the City Councilors comments received at the First Reading, minor section references were updated in the draft language of the Intown Design Review Ordinance.

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

Potential City Council Action

For the upcoming November 6th, 2024 City Council meeting, staff is respectfully requesting to present both proposals within the Ordinance Amendment package for a Second Reading. Following the presentations, staff respectfully asks that the City Council hold a Public Hearing on these Ordinance Amendments as recommended by the Planning Board and Intown Design Review Committee. Following the Public Hearing, staff respectfully asks the City Council to discuss the proposals and consider a motion to adopt these proposed Ordinance Amendments.

1. **Motion #1:** The City Council, at its meeting on November 6th, 2024, hereby adopts the proposed Ordinance Amendments to Chapter 102 Zoning, Article VIII, Division IV, as such were presented at the November 6th, 2024 Second Reading.
2. **Motion #2:** The City Council, at its meeting on November 6th, 2024, hereby adopts the proposed Ordinance Amendments to Chapter 80 Intown Design Review, as such were presented at the November 6th, 2024 Second Reading.

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)

Chapter 850: COMMUNITY LICENSING - STANDARDS

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.

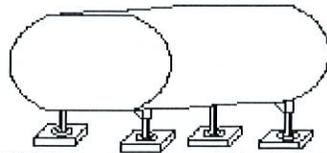


Figure 12 (a) Tank footing & support for horizontal tanks of 350 gallons or less outside of buildings.

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.

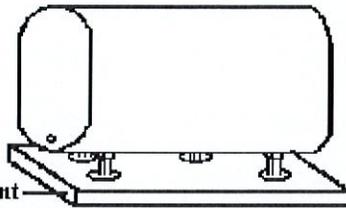


Figure 12 (b) Tank footing & support for upright or vertical tanks of 350 gallons or less outside of buildings.

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

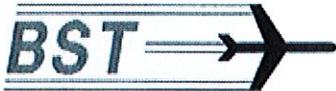
- A. Grades of all streets shall conform to the terrain so that cut and fill are minimized.
- B. Where community streets intersect with public roads, recommended sight distances, as measured along the public way which traffic will be entering, and based upon the legal speed limit, are as follows:

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 of Belfast
Municipal Airport
131 Church Street
Belfast, Maine 04915



22 Wright Brothers Drive

Airport Manager
Kenn Ortmann

Phone: 207 338 3370 x 600

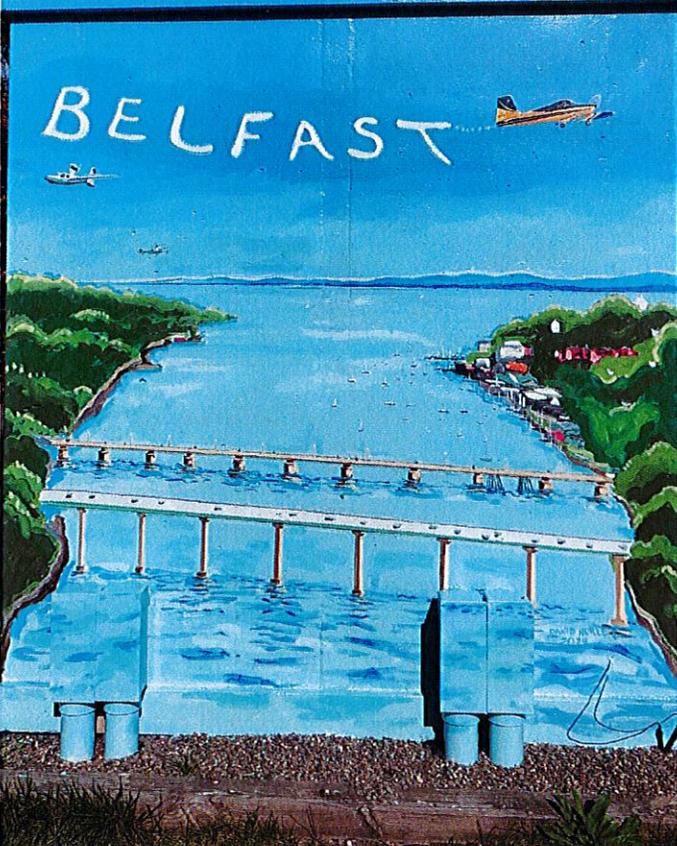
Email: airport2@cityofbelfast.org

Request by Airport Manager Kenn Ortmann and the Belfast Airport Advisory Committee (BAAC) for the City Council to authorize the acceptance of donations to pay for the second Airport mural project.

Several months ago, David Hurley expressed an interest in working with the Airport to create a third mural to decorate the third side of our electronic equipment building. While this building is very efficient at housing much of the equipment necessary to light the runway and taxiways and the beacon, its former appearance certainly did nothing to enhance the experience of Airport visitors.



Mr. Hurley has painted one side of the building showing an iconic yellow Piper Cub representing the recreational use of the Airport and a second side showing a Pilatus 24 representing the corporate and charter uses of the Airport.



Mr. Hurley's idea for a third side to celebrate the Belfast harbor includes highlighting aircraft that are or have used KBST as a base of operations. It also recognizes the frequency with which LifeFlight provides emergency services to MaineHealth Waldo Hospital patients.

Mr. Hurley has painted many long-lasting outside murals in Belfast, so I and the BAAC are confident this enhancement to the equipment building will not become a maintenance problem.

Mr. Hurley has quoted a price of \$1,200 to create the mural. I am pleased to inform you that local pilots have combined to contribute the entire amount necessary to create this mural.

The Airport Manager and the BAAC are now requesting that the City Council vote in support of authorizing the following action:

Authorize the City Manager to accept three contributions totaling \$1,200 to pay for the painting of a third mural on the Airport electronic equipment building.

Date: 10-23-24

To: Mayor, City Council,
City Manager Erin Herbig

From: Bob Richards
Public Works Director

Re: Tree Removal

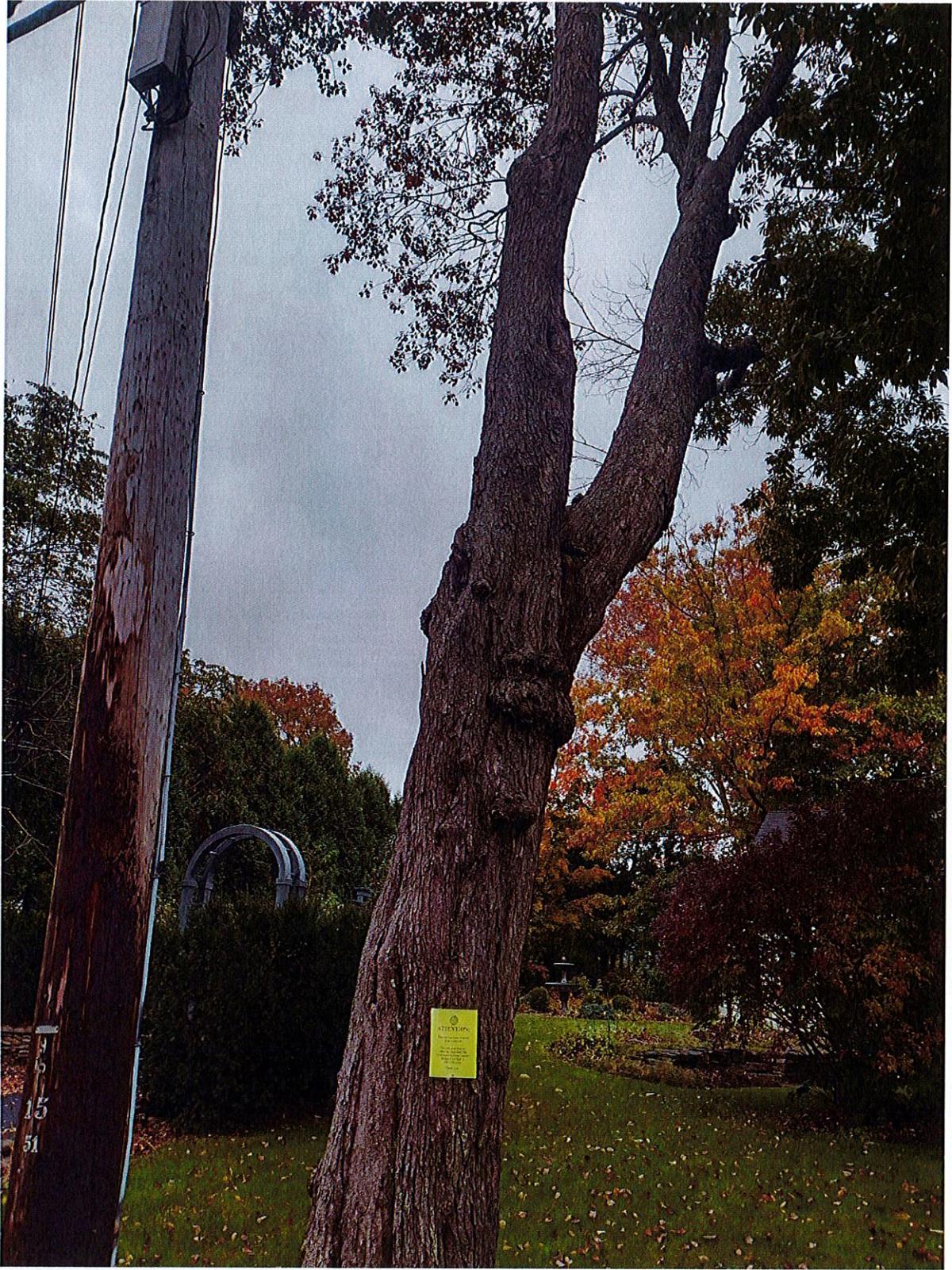
1. Tom Stevenson at 58 Church street is concerned about the condition of the tree in front of his house and it coming down. He would like to have this removed.
2. Tiffany Howard at 40 Northport Avenue is concerned about the condition of this tree. It lost a big chunk of it this summer in a wind storm. There is a stress fracture that runs through the tree from one side to another. Benners Tree Service suggested it be removed.
3. Doug Bowden, caretaker at 70 Union approached me on behalf of the property owner about this tree which there is a large cavity in the tree. Benners Tree Service suggested this one be removed.

Thanks,

Bob



40 Northport Ave.



58 Church Street



70 Union Street

Tree #	Specie	Diameter (")	Condition (1-5)	Street Name	Street #	Tax Map & Lot	Treatment Needed	Notes
1043	Sugar maple	12	5	Northport Avenue	11	36-76		
1044	Pin oak	22	5	Northport Avenue	14	36-138		
1045	red maple	6	5	Northport Avenue	15	36-79		
1046	red maple	8	5	Northport Avenue	15	36-79		
1047	Ash	18	4	Northport Avenue	16	36-137		
1048	Pin oak	24	5	Northport Avenue	18	36-137		
1049	red maple	8	5	Northport Avenue	19	36-79		
1050	red maple	8	5	Northport Avenue	19	36-79		
1051	red maple	24	5	Northport Avenue	22	36-126		
1052	norway maple	8	5	Northport Avenue	24	36-126		
1053	Basswood	18	5	Northport Avenue	23	36-80		
1054	Red Oak	24	5	Northport Avenue	25	36-80		
1055	Red Oak	36	5	Northport Avenue	26	36-125		
1056	Basswood	18	5	Northport Avenue	27	36-80		
1057	Basswood	24	5	Northport Avenue	27	36-81		
1058	Norway maple	24	5	Northport Avenue	32	36-124		
1059	Norway maple	24	5	Northport Avenue	32	36-124		
1060	Norway maple	12	5	Northport Avenue	31	36-82		
1061	norway maple	20	5	Northport Avenue	33	36-82		
1062	Norway maple	20	5	Northport Avenue	35	36-82		
1063	Sugar maple	36	4	Northport Avenue	36	36-121		
1064	Sugar maple	36	4	Northport Avenue	36	36-121		
1065	white pine	24	5	Northport Avenue	38	36-121		
1066	Sugar maple	38	5	Northport Avenue	39	36-112		
1067	white pine	20	5	Northport Avenue	42	36-121		
1068	Ash	48	4	Northport Avenue	41	36-112		
1069	Red Oak	22	5	Northport Avenue	42	36-120		
1070	Norway maple	14	5	Northport Avenue	43	36-113		
1071	Norway maple	14	5	Northport Avenue	45	36-113		
1072	Norway maple	24	5	Northport Avenue	46	36-118		
1073	red maple	30	3	Northport Avenue	46	36-118		
1074	black cherry	16	5	Northport Avenue	47	36-114		

40 Northport Ave.

Tree #	Specie	Diameter (")	Condition (1-5)	Street Name	Street #	Tax Map & Lot	Treatment Needed	Notes
170	black locust	2	5	Church Street	27	37-139		
171	Norway maple	18	5	Church Street	29	37-139		
172	black walnut	8	5	Church Street	32	37-193		
173	black walnut	8	5	Church Street	32	37-193		
174	Sugar maple	40	5	Church Street	34	37-194		
175	Norway maple	10	3	Church Street	33	37-138		
176	red maple	20	2	Church Street	35	37-138	prune	
177	Basswood	18	5	Church Street	37	37-137		
178	Basswood	18	5	Church Street	39	37-137		
179	Sugar maple	18	5	Church Street	39	37-136		
180	Norway maple	20	5	Church Street	40	37-196		
181	Norway maple	20	5	Church Street	41	37-135		
182	Pin oak	20	5	Church Street	42	37-196		
183	Red Oak	20	5	Church Street	45	37-134		
184	Sugar maple	20	5	Church Street	46	37-188		
185	Sugar maple	32	3	Church Street	50	37-189		
186	Ash	18	5	Church Street	49	37-134		
187	Sugar maple	30	3	Church Street	52	37-189	prune	
188	Basswood	12	5	Church Street	53	37-147		
189	Ash	20	4	Church Street	53	37-147		
190	Sugar maple	30	3	Church Street	56	37-190		
191	Basswood	20	5	Church Street	57	37-146		
192	Red Oak	24	5	Church Street	61	37-157		
193	Basswood	18	5	Church Street	61	37-157		
194	Red Oak	24	5	Church Street	63	37-157		
195	Ash	14	5	Church Street	66	37-185		
196	Basswood	16	5	Church Street	67	37-157		
197	Red Oak	18	5	Church Street	69	37-156		
198	Hemlock	24	5	Church Street	72	37-181		
199	Red Oak	3	5	Church Street	73	37-156		
200	Basswood	18	5	Church Street	73	37-156		
201	Red Oak	18	5	Church Street	73	37-156		

58 Church St.

not listed
 3 streets
 7 Union

Tree #	Species	Diameter (")	Condition (1-5)	Street Name	Street #	Tax Map & Lot	Treatment Needed	Notes
309	Basswood	18	5	Spring Street	70	map 11 lot 250		
310	Sugar maple	18	5	Spring Street	71	map 11 lot 244		
311	Sugar maple	36	3	Spring Street	74	map 11 lot 256		
312	Spruce	18	5	Spring Street	75	map 11 lot 259		
313	Spruce	18	5	Spring Street	75	map 11 lot 259		
314	Sugar maple	42	4	Spring Street	77	map 11 lot 259		
315	Spruce	20	5	Spring Street	78	map 11 lot 256		
316	Norway maple	4	5	Spring Street	82	map 11 lot 270		
317	Norway maple	4	5	Spring Street	84	map 11 lot 270		
318	Ash	24	5	Spring Street	85	map 11 lot 268		
319	Butternut	18	4	Spring Street	88	map 11 lot 269		
808	Ash	40	3	Union Street	1	37-14		
809	Norway maple	8	5	Union Street	8	37-49		
810	Norway maple	12	5	Union Street	19	37-8		
811	e. cottonwood	18	5	Union Street	20	37-49		
812	horse chestnut	28	4	Union Street	31	37-25		
813	e. cottonwood	28	5	Union Street	32	37-67		
814	Norway maple	20	5	Union Street	33	37-24		
815	Norway maple	20	5	Union Street	43	37-40		
816	horse chestnut	24	3	Union Street	50	37-73		
817	Sugar maple	36	4	Union Street	56	37-75		
818	Sugar maple	36	2	Union Street	60	37-77	evaluate/prune	
819	Norway maple	24	5	Union Street	62	37-79		
820	Norway maple	30	5	Union Street	67	37-32		
821	Red Oak	60	1	Union Street	68	37-80	evaluate/remove	
822	red maple	24	5	Union Street	78	37-84		
823	Sugar maple	20	5	Union Street	79	37-33		
824	red maple	24	5	Union Street	82	37-84		
825	ginko	8	5	Union Street	87	36-5		
826	Norway maple	14	5	Union Street	90	36-18		
827	Norway maple	20	5	Union Street	92	36-18		
828	Norway maple	16	5	Union Street	95	36-3		

MEMO

To: Erin Herbig, Belfast City Manager
From: Travis Jones, Olver Associates Inc.
Date: October 28, 2024
Subject: Request to Accept Bid for Wastewater Department's 2009 Chevy 3/4 Ton Pickup Truck

I am writing to request authorization to accept a bid of \$4,000.00 for the 2009 Chevy 3/4-ton pickup truck that was originally advertised for bid in August.

As you may recall, the initial bid process in August did not yield any offers. However, we have recently received a bid of \$4,000.00 for the vehicle.

Given the age and condition of the truck, we believe this bid represents fair market value. Accepting this bid will allow us to remove the vehicle from our fleet and generate revenue for the department.

I request your approval to accept this bid and proceed with the sale of the 2009 Chevy 3/4-ton pickup truck.

Please let me know if you have any questions or require further information.

Thank you.

TO: BELFAST CITY COUNCIL, CITY MANAGER

FROM: AVIS WINCHESTER, E-911 ADDRESSING OFFICER

SUBJECT: REQUEST COUNCIL CHANGE NAME FROM LANE TO STREET

DATE: OCTOBER 29, 2024

This request is presented to the Belfast City Council to change the accepted name of Whitetail Lane in Phase One of the Little River Subdivision to Whitetail Street. The reason for the change is there is already Whitetail Lane under 04915 zip code in the town of Waldo. The recommendation from the postmaster is to change the new lane in this subdivision to street as mail is sorted prior to arrival in Belfast. One house is currently completed and under contract at 1 Whitetail Street and a second one in completion stages at 3 Whitetail Street.

Respectfully submitted,

Avis Winchester

Interim Assessor

