

**Re: Comment on 1/17/23 public hearing about zoning changes**

Public Hearing &lt;public@cityofbelfast.org&gt;

Tue 1/17/2023 2:01 PM

To: david august &lt;davidjaugust@gmail.com&gt;

David

A short note to let you know that the City has received your comment and that it will be provided to the Council for tonight's public hearing.

Wayne Marshall  
Project Planner

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**From:** david august <davidjaugust@gmail.com>**Sent:** Tuesday, January 17, 2023 1:53 PM**To:** Public Hearing <public@cityofbelfast.org>**Subject:** Comment on 1/17/23 public hearing about zoning changes

To Whom It May Concern:

I want to make a comment about the proposed zoning changes tonight.

The City of Belfast has been very supportive of increasing opportunities for building housing in recent years. Actual construction, in terms of affordable rental housing, has been very scarce outside of a few large projects. The bigger projects happen due to factors such as federal and state funding & tax credits that exist largely outside of Belfast's control. I want to talk about the smaller scale development that we are not seeing.

The proposals on 1/17 stem from a desire to improve housing opportunities. I can guarantee that, as they are written, they will not only worsen the ability of the average citizen to build small-scale housing, but will also make it much more difficult to start a small business in Belfast. In the 12 years I have been watching, I do not recall one discussion at the City Council level about problems with home based businesses. So why, tucked into a housing proposal, do the home-based business regulations go from half a page of reasonable regulations to 11 pages of new restrictions on running these businesses (just about all of which will have to go through an expensive planning board process, if they're even allowed anymore)? Isn't this the tail wagging the dog, where changes are being proposed by the city itself while there is no apparent demand from the public to make these changes? How does this improve housing or business creation in town?

I don't know if you have read this code. Do you know that someone with a 1,200 square foot house and a detached 600 square foot detached garage will not be able to run a business out of the garage? Think of a plumber that largely works on your homes but keeps materials stored at his garage. In the new regulations the garage will be too large or the house will be too small based on nonsensical "percentage of square footage" rules. Can you image this plumber, after having spent good money and gone through the planning process, getting rejected and told that they either needs to increase the size of their house or shrink the size of their garage to be able to operate their business? Or that

now their neighbors, through the planning process can stall and halt necessary business, much as has happens with the Nordic Aquafarms process?

There's also a rule about lighting - it must be of color temperature no greater than 3,000K and no higher than 14 feet above grade. So if you build a typical gambrel garage, you can't put a light at the peak of the gable - sorry, too high. If your light is 4,000K, which is a pretty normal and neutral outside lighting color (which mimics the moon's color - who is offended by moonlight?), sorry "no business for you." Drive through the Springbrook Hill Condominiums off of Crocker Road, which have about 60 streetlights of this 4,000K color light, and tell me it's offensive. Never mind that such a blunt rule does not take into consideration that quality of light (such as CRI ratings for LEDs, to name one) matters far more than color temperature. Also never mind that these rules would put restrictions onto homeowners for home based businesses (which have largely followed the same rules that houses must follow) that don't apply to homes without registered businesses, so your neighbor who doesn't have an art studio in their home can have whatever obnoxious (as the city now defines it) lighting they want? What problem do these new regulations solve? These are just two examples pulled out of the language. I can tell you that if you adopt this code as written, we will be having discussions in five or ten years about why no one is opening small businesses anymore. How does imposing all sorts of new restrictions on small businesses help the housing situation here? By driving more working people away from Belfast?

I believe that much of the problem as to how codes are written in Belfast stems from the fact that you are asking the Planning department and the Planning Board to come up with the ideas and language, which would be what is called a "top-down" process. Yes, they may have trouble interpreting one or another zoning ordinance, but isn't Democracy supposed to be messy? I can tell you where the requests are not coming from - the public. For a town of this city there is too much tinkering with the zoning code and very little looking at it from the public's perspective.

Strong Towns, a nonpartisan nonprofit, would be a good place to start researching these topics, as they have quickly become a national treasure in the past decade in helping small towns rethink the problems that we have regulated ourselves into over the past half-century. Their mission, as they describe it is to:

"replace America's post-war pattern of development, the Suburban Experiment, with a pattern of development that is financially strong and resilient. We advocate for cities of all sizes to be safe, livable, and inviting. We work to elevate local government to be the highest level of collaboration for people working together in a place, not merely the lowest level in a hierarchy of governments.

I cannot do their information and explanations justice in a short message, but they speak at length about why top-down (which in Belfast means coming from the Planning office and Planning Board) solutions to housing will not be effective. I feel that you need to reconsider your code-writing process so that it comes from interested members of the public through a committee, not from entities that work for the city. I think you also have to have some real consideration about what the purpose of a Planning Board is. You may be surprised to learn that there is nothing in state statutes or city ordinances that describe the purpose or mission of the Planning Board. In many communities, they do describe the purpose and it largely revolves around two things - subdivisions (of land) and large scale development. Belfast has sent much of its small-scale development to its Planning Board and every tinkering of the code in the past decade has sent more and more (smaller and smaller) items to this

entity. Very little of what has been done in Belfast has improved "by-right" development opportunities (meaning the ability to build by way of a permit that gets obtained directly from the Planning office), which is the kind of small-scale development we desperately need.

Meanwhile, I can speak to, on the east side of town and specifically, my neighborhood, where changes in the zoning code are not working. In the past decade, despite Belfast being an "Opportunity Zone" for development and despite this being the most absurd inflated-asset economic period of any of our lifetimes, many lots along Searsport Avenue/Route 1+3 still sit undeveloped or underutilized, in an area where there are largely public utilities in place. Have you considered why? On the south side of Searsport Ave, for example, a lot owner cannot build a storage facility (no exceptions), but on the north side of the road they can. This is one example (there are several more things that cannot be built on the south side of the road - Veterinarians and veterinary clinics and hospitals, Kennels for boarding and/or training of pets, Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services, Motor vehicle fuel and service establishments, Light industrial uses, Laundromats, Retail and wholesale distribution establishments, Outdoor recreational activities and facilities). But they can build a marijuana facility where they cannot build any of these. How does this make sense?

In Highview Terrace, a development approved in 1959 where front and side setbacks in deeds are 20 and 5 feet, respectively (and where many structures have been built to those standards) the city has arbitrarily increased setbacks to 30 and 15 feet on already approved lots - this is unnecessary restrictive zoning that makes it even harder for anyone to even modify their property, let alone build anything new on the remaining buildable lots in the development. So while constant tinkering occurs to the code, existing neighborhoods get ignored. These are just a few examples of zoning codes making many changes that continually stack up against people that want to build things in this town. If I had more time I could cite more. It does no good to add layers and layers of restrictions to new housing and business ideas since you are just shutting out the very people you are looking for development from.

I sincerely hope that you begin thinking about what role modern planning has played in making it more difficult to build things that we need. I'm going to finish with a quote from Strong Towns that I feel sums up the corner we have backed ourselves into:

The issue with zoning is not that planners are bad at their jobs. The issue is that zoning asks them to undertake an impossible job. How could anyone map out the optimal mixture, scale, and location of every conceivable land use in an entire city? Zoning assumes not only that planners can project out the needs for every single type of housing or commercial use but also the scale at which it should all be built, and where it should all be built—and not merely for one slice of reality, but across the lifespan of a zoning ordinance, which can often extend well over half a century. In every other sphere of public policy, the idea that this anachronistic style of top-down planning can achieve even passable outcomes has been thoroughly discredited. Why is zoning any different? For the sake of our cities and the people who live in them, it's time we fundamentally rethink how we regulate land in America.

Thank you for your consideration,

Sincerely,  
David August