

**CITY OF BELFAST PLANNING BOARD
MARCH 26, 2008 MEETING**

**AMENDMENT #1 - CONDITIONS OF APPROVAL
BELFAST BAY CONDOMINIUM PROJECT
MAP 11, LOTS 66 & 66A**

The Belfast Planning Board, at its meeting of March 26, 2008, reviewed and approved a request from the owners of the Belfast Bay Condominium Project, Edward and Judy Hemmingsen, to convert the Belfast Bay Condominium Project, into an 8 room hotel and 1 commercial condominium unit. This request constituted an amendment to the subdivision plan and condominium documents which the Board approved at its meeting of January 18, 2006 for the Belfast Bay Condominium project. The original condominium project consisted of 7 residential condominium units and 2 commercial units. Board review of the proposed change of use is consistent with (required by) Conditions 3 and 4 of the January 18, 2006 Conditions of Approval adopted by the Board.

Board review of the project proposal involved an amendment to the approved subdivision plan and condominium documents for this project, and included the conversion of one of the two former commercial condominium units on the first floor into a hotel unit. The floor space in this converted commercial unit also will be used for the registration of hotel guests and similar support services for the hotel.

The Board established amended Conditions of Approval that apply to the project, and reviewed and approved two specific amendments to the current language in the condominium documents for the Belfast Bay Condominium Association.

The amended Conditions of Approval are as follows.

Condition # 9: The applicant may convert one of the 1st floor commercial condominium units into a hotel room unit and to provide floor space for guest registration and support services. The applicant shall obtain a building permit to perform the conversion of the existing space. **It is expressly prohibited to use or sell the hotel room unit of this commercial condominium unit as a residential condominium unit;** either as a primary or accessory use. It is specifically noted

that the Belfast Code of Ordinances prohibits first floor living units in the Downtown Commercial zoning district.

Condition # 10. The owner must own all (7) residential condominium units and the one commercial condominium unit (hotel room and guest registration services) to use the property as a hotel. As such, if the owner sells one of the residential condominium units, the property can no longer be used as a hotel, and the hotel rental unit in the 1st floor commercial unit must be eliminated. This agreement does not affect the ownership or use of the other commercial condominium unit. The applicant shall provide evidence to the Code Enforcement Officer regarding compliance with this condition to use the property as a hotel.

Condition # 11. The property is located in the section of the Downtown Commercial zoning district that does not require the provision of on-site parking. As such, the Board has not required the applicant to provide any on-site or off-street parking as a requirement of using this property as a hotel.

Condition # 12. The applicant shall obtain all required sign permits from the Code Enforcement Officer to use this property as a hotel.

The Board approved the following amendments to the Condominium Declarations that are recorded in the Waldo County Registry of Deeds for this project:

Section 16 –

“Upon the termination of the Declarant Control Period as provided in paragraph 10(C), a unit owner or sub-lessee may lease his or rent his unit daily, provided that all units designated as residential units of the condominium are under common use as Inn rental units. If any residential unit of the condominium is not under common uses as an Inn rental unit, a unit owner may lease or rent his unit not more than four times during a calendar year and for periods of not lease than thirty (30) days each. This provision restricting renting or leasing is intended to benefit all unit owners and to preserve the quiet enjoyment of each unit.”

Exhibit A, Restrictions, Part D is modified as follows –

The covenant running with the land that use of Unit 201, Unit 202, Unit 203, Unit 301, Unit 302, Loft 203 and Loft 303 shall be restricted to residential use with no commercial use of any type. Residential condominiums shall be permitted and

daily rental of residential units as permitted under section 16 of this Declaration shall not be deemed to be commercial use.

The Belfast Planning Board reviewed and approved the use of the Belfast Bay Condominium Project at its meeting of March 26, 2008.

On Behalf of the Planning Board

Roger Pickering, Chair

