



2014

# CITY OF BELFAST, MAINE 04915

131 Church Street

CODE & PLANNING DEPARTMENT

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**CITY OF BELFAST PLANNING BOARD**  
**ADOPTED ~~DRAFT~~ FINDINGS OF FACT &**  
**BELFAST BAY INN, BUILDING EXPANSION**  
**MAP 11 LOT 66**

**APPLICANT:** Ed and Judy Hemmingsen  
70-72 Main Street  
Belfast, ME 04915

**DESCRIPTION OF PROJECT & CITY ZONING:** Ed and Judy Hemmingsen, owners of the Belfast Bay Inn, located at 70-72 Main Street, Map 11 Lot 66, request permission to expand the hotel by adding a three story addition onto the rear of the existing hotel filling in a portion of the rear courtyard that faces Pendleton Street, as well as dividing an existing room into two separate rooms. The addition will be almost flush with the back of the current hotel (sitting slightly back from the existing rear wall) and will fill in a little more than half of the existing courtyard. The applicants intend to offer a greater number of rooms with the addition. The inner part of the Courtyard will remain an open outdoor space for guests. A covered walkway will allow guests to enter the courtyard and the rear of the hotel from Pendleton Street. The expansion proposed is slightly higher than the existing building. The lot is conforming and the building meets all setback and frontage standards.

The property is located in the Downtown Commercial zoning district. A hotel is a permitted use in this zone. This is an expansion of an existing hotel, and therefore the addition needs approval of the Planning Board to be constructed. This request qualifies as an amendment to an existing subdivision plan and the Use Permit, which was approved by the Planning Board on January 18, 2006 and amended on March 26, 2008.

## GENERAL FINDINGS

1. The Board found that the property is in the Downtown Commercial zoning district and that the City Code of Ordinances, Section 102-442(9) allows hotels in that district. The zoning district also allows multifamily housing, Section 102-442(7), which is an alternate use of the property which the Board permitted.
2. The Board found that the proposed project is an amendment to an existing subdivision and Use Permit.
3. The Board found that the existing building satisfies setback requirements. All setbacks in the Downtown Commercial district are 0'.

4. The Board found that the lot is legally conforming as to lot size and frontage. The minimum lot size in the Downtown Commercial district is 1,000 square feet. The lot that the hotel sits on is approximately 6,000 square feet. The frontage requirement in this district is 15 feet. The frontage for this lot is roughly 40 feet.
4. The Board found that the Department of Planning and Community Development provided proper notice of the August 13, 2014 public hearing at the Planning Board meeting.
  - a. Public hearing comments: Peter Jacques, owner of the nearby laundry mat, spoke of his support for the project.
5. The Board found that the project satisfies Downtown Commercial Performance Standards, Article IX, Division 2, Environmental Standards, shown below.
6. The Board found that the project was reviewed by the In-Town Design Review Committee on July 30, 2014, at which time the Committee made findings regarding the design standards and issued a Type 1 permit.

## **CHAPTER 102, ARTICLE IX, DIVISION 2, ENVIRONMENTAL STANDARDS**

**Sec 102-1122 Subsurface Wastewater Disposal.** The Board found that the applicant will continue to manage subsurface wastewater and sewage disposal. The applicant currently connects to City sewer. The addition will tie into City sewer as well.

**Sec 102-1123 Erosion Control.** The Board found that the applicant will employ best management practices to control erosion and minimize sedimentation of nearby water bodies during construction and removal of vegetation, in accordance with City Code.

**Sec 102-1124 Control of Stormwater Run-off.** The Board found that project stormwater management plan is sufficient. The plan detains water on-site through the use of catch basins, as shown in the site plan. Stormwater from the expanded portion of the hotel will connect directly into Pendleton Street.

**Sec 102-1125 Wastewater pollution.** The Board found that the proposed expansion will not result in wastewater pollution. The applicant shall be responsible for ensuring wastewater is suitable for public systems.

**Sec 102-1126 Air pollution.** The Board found that the proposed expansion will not cause emissions which will have adverse impacts on human health. The existing use is not causing undue air pollution and therefore the expansion of the same use is not expected to.

**Sec 102-1127 Odors.** The Board found that the expansion will not produce noxious or harmful odors. The existing use is not creating such odors, and the use is not typically associated with such odors.

**Sec 102-1128 Glare.** The Board found that the expansion will not produce glare onto neighboring properties. The Board based this judgment on the proposed lighting shown on the site-plan.

**Sec 102-1129 Noise.** The Board found that the expansion will not create noise exceeding the City noise ordinance. The hotel currently does not produce offensive levels of noise.

**Sec 102-1130 Gravel extraction.** N/A

**Sec 102-1131 Heating systems and oil storage tanks.** N/A.

**Sec 102-1132 Burning of household trash, brush, and stumps.** N/A.

**Sec 102-1133 Timber harvesting.** N/A.

**Sec 102-1134 Uses in wetlands.** The Property is not located in a wetland.

**Sec 102-1135 Uses in Floodplains.** The property is not located in a floodplain.

**Sec 102-1136 Soils.** The Board found that existing soils are adequate for the proposed use, based on existing uses.

### **AMENDMENT TO AN EXISTING SUBDIVISION**

The Board found that the applicant's proposal constituted an amendment to an approved subdivision plan because the applicant has the option of converting the hotel units into residential condominium units. The Board considered the requirements of the City Subdivision Ordinance, particularly requirements of Section VII, and found that the proposed addition did not create any concerns which would cause the Board to alter its 2006 finding that the project is consistent with all requirements of the Subdivision Ordinance.

### **CHAPTER 98, TECHNICAL STANDARDS, ARTICLE VIII, PARKING**

The property is located in the section of the Downtown Commercial zoning district that does not require the provision of on-site parking. Therefore, the Board has not required the applicant to provide any on-site or off-site parking as a requirement of using this property as a hotel or expanding the hotel on this property. Similarly, the Board did not require the provision of on-site or off-site parking if the applicant chooses to convert the hotel to a residential condominium project. The Board notes that the applicant has chosen to provide off-site parking to support the existing use and proposed expansion.

**DECISION OF PLANNING BOARD**

The Belfast Planning Board found that the proposal to expand the Belfast Bay Inn by building a three-story addition in the rear portion of the existing courtyard and converting two individual suites into two separate rooms (creating four rooms where there are currently two) is a permitted activity in the Downtown Commercial zoning district. The Board, at their meeting on August 13, 2014, approved the proposal by Ed and Judy Hemmingsen/Belfast Bay Inn. The Board approved the project as an amendment to the existing subdivision plan and Use Permit.

*P. Hamilton SL*

Paul Hamilton, Chair  
Belfast Planning Board

*9/3/14*

Date

*Ed Hemmingsen*

Ed Hemmingsen, Applicant

*10/14/14*

Date

**CITY OF BELFAST PLANNING BOARD  
AMENDMENT #2 – DRAFT CONDITIONS OF APPROVAL  
BELFAST BAY INN  
MAP 11 LOT 66, 70-72 MAIN STREET**

**DESCRIPTION OF PROJECT & CITY ZONING:** The Belfast Planning Board, at its meeting on August 13, 2014, reviewed and approved a request from the owners of the Belfast Bay Inn, Ed & Judy Hemmingsen, to build a three-story addition onto the existing hotel and convert one of the existing rooms into two separate units, which would bring the number of hotel (residential) units from 9, to a total of 13. There is no change proposed to the nonresidential space. The request constitutes an amendment to the subdivision plan and condominium documents which the Board approved at its meeting on January 18, 2006, which was amended by the Planning Board on March 26, 2008. The conditions established during the previous approved plan and first approved amendment apply to this project unless otherwise noted below.

The property is located in the Downtown Commercial zoning district. A hotel is a permitted use in this zone. This is an expansion of an existing hotel, and therefore the addition needs approval of the Planning Board to be constructed. This request qualifies as an amendment to an existing subdivision plan, which was approved by the Planning Board on January 18, 2006 and amended on March 26, 2008.

The amended conditions of approval are as follows.

Condition #13. In accordance with Section 16 of Amendment #1, established March 26, 2008, That applicant maintains the right to convert new units established in this proposal to residential condominium units with the exception of any first floor units.

Condition #14. Roof drains on the proposed expansion must be connected into Pendleton Street drainage infrastructure.

Condition #15. The applicant shall obtain all necessary road opening permits and will comply with conditions of the permit when opening Pendleton Street to connect to utilities.

Condition #16. The proposed addition shall be built in the location identified on the plan and shall not exceed the dimensions identified on this plan without the review and approval of the Belfast Planning Board.

Condition #17. The applicant shall comply with all requirements of the Building Permit issued by the Code Enforcement Officer.

