

CITY OF BELFAST PLANNING BOARD
DRAFT FINDING OF FACTS & CONDITIONS OF APPROVAL

JOSH OXLEY, ECOLOGIX HOMES, LLC
MULTI-FAMILY HOUSING

58 SWAN LAKE AVENUE

MAP 20 LOT 10

1. Applicant: Josh Oxley, Ecologix Homes, LLC
28 Loxley Lane
Swanville, ME 04915

Engineer: Terra Firma Professional Engineering, LLC
48-4 Marshall Wharf
Belfast, Maine 04915

2. Description of Project:

Josh Oxley, of Ecologix Homes LLC, Applicant, is proposing to construct a new multi-family housing complex at 58 Swan Lane Avenue, Map 20, Lot 10. The proposal includes the construction of 8 dwelling units which will be located in two single-story structures; a 6-plex and a duplex, both with attached garages. The property is a 1.75 acre lot, which previously was developed for a single family home with an access driveway off Swan Lake Avenue; the single-family home no longer exists however the existing driveway remains.

3. Description of Zoning:

The project is located in the Swan Lake Avenue Mixed Use (SLAMU) zoning district. This zoning district allows 'dwelling, multi-family' use with Planning Board review. The project is not located in a Shoreland Zoning district nor a Flood Hazard zone.

4. Description of Planning Board Review and Action.

4.1 Preliminary Plan Review.

The Planning Board, at its meeting of January 28th, 2026, reviewed the Preliminary Plan application for this project. The Board reviewed all Site Plan and Zoning standards for project compliance and provided direction on issues that the Applicant would need to address at the Final Plan review. The Board determined that the Preliminary Plan was complete. The Board conducted a duly noticed public hearing and accepted public comment. The Planning and Codes Department provided written notice of the hearing to abutting property owners in the area. The Board, at the conclusion of its review, voted in

support of approving the Preliminary Plan application, an action that would allow the Applicant to submit a Final Plan application.

4.2 Final Plan Application. (to be completed after final plan review – date tbd)

4.2.1 The Planning Board, at its meeting of (XXXX--,2025), reviewed the Final Site Plan application to determine compliance with City Site Plan and Zoning Use Permit requirements. The Board conducted a duly noticed public hearing and accepted public comment. The Planning and Codes Department provided written notice of the hearing to all abutting property owners. The Board found that the Application was complete for purposes of Board review, that the proposal substantially complied with the City requirements, and directed Planning and Codes staff to prepare a final draft of Findings of Fact and Conditions of Approval.

4.2.2 The Planning Board, at its meeting of (XXXX--,2025), adopted a motion to approve the final Site Plan and Use Permit application based on its review of the application. The Board found that the application satisfied applicable criteria in Chapter 90, Site Plan and applicable criteria in Chapter 98, Technical Standards that are used to help implement the Chapter 90 requirements and approved the issuance of a Site Plan Permit. The Board found that the application satisfied applicable criteria in Chapter 102, Zoning and approved the issuance of a Use Permit.

**CHAPTER 90 – SITE PLAN
PLANNING BOARD REVIEW AND FINDINGS
PRELIMINARY SITE PLAN**

Pursuant to requirements in Chapter 90 Site Plan, the Board made the following specific findings regarding the review criteria identified in section 90-43.

90-43(b)(1) Pollution: The Board found that the project will not cause any significant water or air pollution concerns.

90-43(b)(2) Sufficient Water & 90-43(b)(3) Municipal Water Supply: The Board found that there is public water in this area of Swan Lake Avenue and that the Belfast Water District has confirmed in a letter that the District has adequate capacity to provide new water services as shown on the site plan to the site. The Board found the applicant intends to coordinate with the Belfast Water District to hire a company to directionally bore a line under Swan Lake Avenue to provide necessary access to municipal utilities.

90-43(b)(4) Soil Erosion and Sediment Control: The Board found that the Applicant has identified new site consisting of preparing of soils for new structures, new driveway and parking, new utilities, new grading, and new drainage. The Board found the Applicant will utilize best management practices for erosion and sediment control throughout project and will provide temporary sediment control by using sediment control berms on the down-

gradient of existing impervious and proposed disturbance areas, as identified on attached documents. The Board found that due to the acreage of disturbed land, this project is subject to a Stormwater Management Permit By Rule from Maine DEP, which has been submitted and approved by MDEP (#PBR_ID-0101423).

90-43(b)(5) Highway or Public Road Congestion: The Board found the project will utilize the existing entry from Swan Lake Avenue, which will lead to new paved parking area for off-street parking. The Board found the Applicant plans to replace the existing gravel driveway with a 20' wide paved driveway (18' travel lane with 1' shoulders on either side) to the specifications outline in attached documents; the City Engineer has reviewed the provided driveway cross section and has not indicated any concerns. The Board found that the Applicant has calculated estimated peak hour trip rates per amount of proposed dwelling units and estimated daily averages in their application material and concluded the proposed development, at no time during the typical day or week is expected to result in unreasonable congestion or unsafe conditions. Please see below finding '90-43(b)(9) Conformity with City Ordinances & Plans' regarding technical requirements for driveways.

90-43(b)(6) Sewage Waste Disposal: The Board determined that the City Wastewater Treatment Plant has adequate capacity to treat the wastewater flow from this project. The Board relied on a letter from Travis Jones, Assistant Operations Manager of the Wastewater Treatment Plant, in making this finding. The Board found the Applicant will tie into the existing 8" PVC main in Swan Lake Avenue with a new 6" PVC sewer service as show on the attached Site Plans.

90-43(b)(7) Municipal Solid Waste and Sewage Waste Disposal: The Board determined that the City Wastewater Treatment Plant has adequate capacity to treat the wastewater flow from this project. The Board relied on a letter from Travis Jones, Assistant Operations Manager of the Wastewater Treatment Plant, in making this finding. The Board determined that the amount of solid wastes and recycling generated by the project will be typical of a multi-unit residential development and the Applicant will contract a private hauler to collect solid waste and recycling on a regular basis. The Board noted that the Applicant intends to utilize a screened dumpster located on the property to service both buildings.

90-43(b)(8) Aesthetic, Cultural and Natural Values: The Board found the subject property is situated within a low density, mixed use residential and commercial neighborhood; within a zoning district that encourages mixed use development. The Board found the proposed new residential development will help fill a housing need for rental housing in Belfast. The Board found the Applicant has situated the proposed development to be setback from the road and the existing buffers will be maintained to ensure this will not have an undue adverse effect on the scenic or natural beauty of the area or abutting property owners.

90-43(b)(9) Conformity with City Ordinances & Plans: The Board found that the project is consistent with all City Ordinances including the Zoning Ordinance the City adopted, as well as overall direction in the Future Land Use Plan (Comprehensive Plan) for the Swan Lake Avenue Mixed Use zoning district, which allows and encourages a multitude of

commercial and residential uses. The Board found that the Applicant's development proposal is respectful of all dimensional setback requirements and the further development of the existing site is not a concern. In addition, the Board found the Applicant was required to be in compliance with specific sections of Chapter 98 Technical Standards regarding '98-154 Driveways and Access Control Generally' and '98-155 Site Distances' and concluded the Applicant will be in compliance with the requirements set forth in Section 98-154, however, will not be in compliance with Section 98-155 of requiring a minimum of 230' between driveways where speed limit is 45mph. Thus, the Applicant is asking for a waiver to allow the existing driveway to remain in its current location on site, although currently below the required minimum for adjacent driveways separation outlined in Section 98-155— approximately 115' to driveway north of parcel, 90' from adjacent driveway south of parcel, and 75' from driveway across the street. *The Board found this waiver request was reviewed by the City Engineer and found no concerns, approving the waiver requests with a (X-X) vote.*

90-43(b)(10) Financial & Technical Ability: The Board found that the Applicant has both the financial and technical ability to complete the proposed project. The Board found the parcel is currently owned by Ecologix Homes, LLC/Josh Oxley. The Board found the Applicant has provided a letter from Bangor Savings Bank regarding financial capacity and financing for the project. The Board found the Applicant has also retained site engineering services from Terra Firma Professional Engineering, LLC, an experienced local civil engineering firm and Good Deeds, an experienced surveying consultant. Thus, the Board found the Applicant has demonstrated both financial and technical ability to undertake the complete the currently proposed project.

90-43(b)(11) Surface Waters: The Board found that the project is not located in an area that is specifically regulated as a waterbody pursuant to the standards in this clause.

90-43(b)(12) Ground Water: The Board found that the proposed development will not adversely affect the quality or quantity of groundwater or any public or private water source. The Board also found the Applicant noted there are no existing or proposed septic systems on the subject parcel.

90-43(b)(13) Flood Areas: The Board determined that the proposed project will not have an adverse effect on flood areas and that the project is not located in a Flood Hazard Zone.

90-43(b)(14) Freshwater Wetland: The Board found that the proposed development will not have any significant adverse effect on freshwater wetlands. The Board relied on evaluation of project engineer who reviewed the site and found no evidence of potential wetlands to require a wetland delineation consultant; in addition, this parcel indicated no wetlands on the National Wetland Inventory nor presented hydric soil types.

90-43(b)(15) River or Stream: The Board found that the proposed project will not have an adverse effect on any rivers or streams on the property or adjacent sites because there have been none identified.

90-43(b)(16) Storm Water: The Board found that the approach to managing stormwater identified on the approved Site Plan complies with City requirements. The Board found the Applicant has indicated there will be insignificant peak flow increase and excess capacity in existing public drainage systems, and tentative easement agreement with abutting landowner, will adequately manage the drainage system proposed for the new development. The Board the Applicant has indicated some of the run-off from the hydrology modeling will flow to the drainage way on the abutting lot owned by Dana Kene and found Mr. Kene has provided a letter confirming he is amendable to an easement for the drainage way. **The Board relied upon review of the Applicant Plans by Mandy Olver, Olver Associates, City Engineer and her findings that the proposed system satisfies City requirements and recommends finalization of easement with Mr. Kene prior to final approval.** The Board also noted that the Applicant has applied and been approved for a Maine DEP Stormwater Management Law Permit (#PBR_ID-0101423) for the proposed development.

90-43(b)(17) Access to Sunlight: The Board found that the Applicant's proposal will not affect sunlight access.

90-43(b)(18) Solid Waste Management: The Board found that the property owner will continue to contract with a private solid waste hauler, Casella, to remove solid waste from the property on a regular basis. The Board found that the Applicant will provide a properly screened dumpster collection area that will be utilized for both buildings on site.

90-43(b)(19) Exterior Lighting: The Board found that the Applicant has identified installing limited new lighting around the structures which will be adequate to light the new parking spaces in front of the garages, roadway, and structures on site. The Board found at this time, the lighting proposal will likely be mounted wall pack lights (specifications to be selected), which will be less than 3,000k, downward directed, and full cut off. **Would the Board like to see a photometric plan of the proposed lighting for the final review or dimming capabilities for proposed lighting selection?**

90-43(b)(20) Buffering of Adjacent Uses: The Board found that the Applicant is proposing to utilize the majority of the existing vegetation of trees and shrubs on the borders of the property to buffer it from abutting residential properties. The Board found this specific zoning district does not have prescriptive plant unit buffer requirements as long as a buffer is provided of either distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques. The Board found the Applicant is proposing to plant a total of 8 new trees in areas where the buffer is less robust. **For further information see 90-43(b)(24) Buffering of Residential Uses.**

90-42(b)(21) Noise: The Board found that the Applicant does not expect to generate noise to exceed the existing noise levels; the primary noise levels will be typical of multi-unit residential and is not anticipated to conflict with neighboring uses

90-43(b)(22) Storage of Materials: **The Board will need to make a finding on this criterion. Would the Board like to hear if the Applicant proposes any additional storage structures on the property?**

90-43(b)(23) Landscaping: The Board found that the Applicant is proposing to utilize the majority of the existing vegetation of trees and shrubs on the borders of the property to buffer it from abutting residential properties, with the addition of (8) new trees in areas where the existing buffer and/or landscaping is less robust (see Site Plan for proposed tree locations). **Does the Board wish to hear more if any additional landscaping is proposed near structures?**

90-43(b)(24) Buffering of Residential Uses: The Board found that residential uses about the subject property on all sides, however, resides within a mixed-use zoning district. The Board found for all multi-family residential properties that abut a residential use shall have a landscaped buffer; the width of the buffer may vary depending on the treatment of the area, however, a buffer with dense plantings, fencing or changes in grade may be as little as five feet in width and a buffer with moderate levels of plantings should be 10 feet to 15 feet in width. The Board found that the Applicant is proposing to utilize the majority of the existing vegetation of trees and shrubs on the borders of the property to buffer it from abutting residential properties, with the addition of (8) new trees in areas where the existing buffer and/or landscaping is less robust (see Site Plan for proposed tree locations). **It would be worth discussing with Board the amount (width) of existing buffering on subject parcel in relation to adjacent properties is adequate.**

90-43(b)(25) Location of Off-Street Parking: The Board found that the Applicant is required to comply with the parking requirements outlined within Chapter 98 Technical Standards for the proposed use, which require 2 spaces per unit for a two-family structure, and 1.75 spaces per unit for a six-family structure. The Board found the Applicant would be required to provide 11 spaces for the 6-plex and 4 spaces for the duplex; a total of 15 spaces. The Board found the Applicant is providing 2 spaces per unit (one within the garage and one within the individual driveway of each unit) for a total of 16 parking spaces on site; there is no joint or on street parking proposed for this development.

90-43(b)(26) Hazardous Waste: The Board found that the Applicant complies with this criterion because they do not intend to generate or store any hazardous wastes on site.

90-43(b)(27) Prevention or Control of Air Pollution: The Board found that the proposed project will not generate air pollution that warrants the City requiring any specific provisions to control or monitor air pollution levels.

90-43(b)(28) Public Health and Welfare: The Board found that the proposed site development will not cause any adverse effects to public health and welfare but will benefit the public by creating additional rental units to the housing market. The Board found the Applicant engaged in a conversation with the Fire Chief Richards during early stages to ensure the site could accommodate emergency vehicles preferences, and a letter was provided as a part of this application documentation. The Board found the Fire Chief had no concerns regarding the layout of the site to accommodate emergency vehicles, however, asked if it would be possible for the site to accommodate a fire hydrant at the beginning of the proposed driveway. **Would the Board like to hear further from the Applicant if this is**

something that could be accommodated for in the site design? Would the Board like to further discuss pedestrian access accommodations for site?

90-43(b)(29) Amount and Types of Waste: The Board found that the Applicant is instituting appropriate approaches to manage the collection and disposal of wastes generated on site and noted that the wastes that will be generated are typical of multi-family residential wastes currently being generated in the community.

90-43(b)(30) “Development that may Substantially Affect the Environment”: The Board determined that the proposed site amendments do not qualify as a project that may substantially affect the environment.

COMPLIANCE WITH CHAPTER 102, ZONING REQUIREMENTS

Article V, District Regulations, Division 11, Swan Lake Avenue Mixed Use

The Board made the following specific findings regarding standards in Article V, Division 11 Eastside Zoning Districts, which apply to the Swan Lake Avenue Mixed Use zoning district:

- a) The Board found that the property is located in the Swan Lake Avenue Mixed Use zoning district and found that the Table of Uses for Eastside Zoning Districts, reference section 102-514, identifies ‘dwelling, multi-family’ use as a permitted use requiring Planning Board Review. Thus, the Board found that the proposed use is conforming.
- b) The Board found that the property satisfied the 21,780 NET sf lot size identified in Section 102-532 (1)(g) for a multi-family housing project on public sewer. Regardless of minimum lot size requirements, the Board understood there must be adequate land area [see b) above] to support the number (density) of proposed dwelling units.
- c) The Board found that the property has approx. 87.8’ of frontage on Swan Lake Avenue, thus nonconforming to the minimum 150’ for non-residential uses identified in the Code for the Swan Lake Avenue Mixed Use zoning district. Thus, this lot would be considered a legally existing nonconforming lot of record regarding frontage.
- d) The Board determined that the proposed multi-family structures will conform to the 25’ foot minimum front setback, 25’ minimum side setback, and 25’ minimum side setback for multi-family structures in the Swan Lake Avenue Mixed Use zoning district.
- e) The Board found that the proposed project satisfies the density requirement for the Swan Lake Avenue Mixed Use zoning district. The Board referenced section 102-523, (6.1)(d) that identifies the Density Standard for the Swan Lake Avenue Mixed Use zoning district. The Density Standard for multi-family housing is the lot must be on public sewer, that the lot must be a minimum of 21,780 Net SF; 4 units allowed per the initial 21, 780 Net SF and 2,500 Net SF for each additional dwelling unit. The lot located at 58 Swan Lake Avenue

is 74, 766 sqft. The Applicant is proposing 8 dwelling units requiring a minimum 31,780 sqft. Thus, the Board found that the proposed development is well below the allowable density of 21 dwelling units for the subject parcel.

- f) The Board found that the Swan Lake Avenue Mixed Use zoning district allows 50% lot coverage for a residential multi-family housing project. The Board found the Applicant's proposed lot coverage is 33.4%, far less than the 50% maximum allowed by the zoning district.
- g) The Board found that the proposed buildings will be less than the maximum allowed height of 38 feet at approximately 18.5' in height for both structures.

Article VII, Supplementary District Regulations

Division 2, Screening of Outside Storage Areas. See above finding reading outside storage areas.

Article IX, Performance Standards, Division 2, Environmental Standards

Section 102-1122. Subsurface Wastewater Disposal. See above finding '90-43(b)(6) Sewage Waste Disposal' in Chapter 90 - Site Plan for further information.

Section 102-1123. Erosion Control: See above finding '90-43(b)(4) Soil Erosion and Sediment Control' in Site Plan for further information.

Section 102-1124. Control of stormwater runoff. See above finding '90-43(b)(16) Stormwater' in Chapter 90 – Site Plan for further information.

Section 102-1125. Wastewater pollution. See above finding '90-43(b)(6) Sewage Waste Disposal' in Chapter 90 - Site Plan for further information.

Section 102-1126. Air pollution. See above finding '90-43(b)(27) Prevention or Control of Air Pollution' in Chapter 90 – Site Plan for further information.

Section 102-1127. Odors. The Board found that the proposed project should not generate any offensive odors.

Section 102-1128. Glare. The Board found that the project lighting should not cause glare beyond the lot lines or on any adjacent street given typical conditional language regarding the potential for glare.

Section 102-1129. Noise. See above finding '90-42(b)(21) Noise' in Chapter 90 – Site Plan for further information.

Section 102-1130. Gravel extraction. The Board found this proposed development does not involve gravel extraction; thus this criterion is not applicable.

Section 102-1131. Heating systems and oil storage. The Board found that the proposed heating and cooling systems for the proposed development will all be electric; thus, this criterion is not applicable.

Section 102-1132. Burning of household trash, brush and stumps. The Board found this proposed development will not involve open burning of anything on site.

Section 102-1133. Timber harvesting. The Board found this proposed development will not involve timber harvesting.

Section 102-1134. Uses in wetlands. See above finding ‘90-43(b)(14) Freshwater Wetland’ in Chapter 90 – Site Plan for further information.

Section 102-1135. Uses in floodplains. See above finding ‘90-43(b)(13) Flood Areas’ in Chapter 90 – Site Plan for further information.

Section 102-1136. Soils. The Board found that Applicant has indicated that the on-site soil is Boothbay silt loam at 3 to 8 percent, which is considered suitable for residential development and building siting.

DECISION OF THE BELFAST PLANNING BOARD

The City of Belfast Planning Board, at its meeting of January 28th, 2026, found that the 58 Swan Lake Avenue, Ecologix Homes LLC multi-family housing project complied with the following requirements of the City of Belfast Code of Ordinances:

-Chapter 90 Site Plan. The Board made specific findings regarding compliance with Sec. 90-43 standards

-Chapter 102 Zoning. The Board found that the project is a conforming use in the Swan Lane Avenue Mixed Use zoning district and that the project satisfies applicable requirements in Article V, District Regulations, Article VII, Supplementary District Regulations, and Article IX, Performance Standards.

The Board, at its meeting of January 28th, 2026, and based on its overall findings, approved the Preliminary Plan review of the required Chapter 90, Site Plan Permit, and the required Chapter 102, Use Permit for the project. The Board, at its meeting of January 28th, 2026, reviewed specific Findings of Fact and Conditions of Approval prepared by the City Planner. The Board, at this time, voted in support of approving the Preliminary Plan application, an action that would allow the Applicant to submit a Final Plan application.

Planning Board approval of this Preliminary Site Plan and Use Permit are subject to applicant compliance with all requirements identified on the approved Site Plan and accompanying building elevation plans, copies of which are available at the Planning and Codes Department offices, and compliance with the Boards adopted Conditions of Approval.

APPEAL OF PLANNING BOARD DECISION

This January 28th, 2026 decision of the Belfast Planning Board is subject to appeal to the Belfast Zoning Board of Appeals in accordance with procedures identified in the City Zoning Ordinance, Chapter 102 Zoning, Article II, Appeals.

ON THE BEHALF OF THE PLANNING BOARD

Pippa Jollie, Chair

Date

ON BEHALF OF THE APPLICANT

On Behalf of the Applicant

Date

CITY OF BELFAST PLANNING BOARD
DRAFT CONDITIONS OF APPROVAL

JOSH OXLEY, ECOLOGIX HOMES, LLC
MULTI-FAMILY HOUSING

58 SWAN LAKE AVENUE

MAP 20 LOT 10

1. DESCRIPTION OF PROJECT: Josh Oxley, of Ecologix Homes LLC, Applicant, is proposing to construct a new multi-family housing complex at 58 Swan Lane Avenue, Map 20, Lot 10. The proposal includes the construction of 8 dwelling units which will be located in two single-story structures; a 6-plex and a duplex, both with attached garages. The property is a 1.75 acre lot, which previously was developed for a single family home with an access driveway off Swan Lake Avenue; the single-family home no longer exists however the existing driveway remains.

2. DESCRIPTION OF ZONING: The project is located in the Swan Lake Avenue Mixed Use (SLAMU) zoning district. This zoning district allows ‘dwelling, multi-family’ use with Planning Board review. The project is not located in a Shoreland Zoning district nor a Flood Hazard zone.

3. PLAN APPROVAL: The Planning Board reviewed the Preliminary Plan for the Ecologix Homes, LLC 58 Swan Lake Avenue project at its meeting of January 28th, 2026, and reviewed the Final Plan and approved the Site Plan and Use Permits at its meeting of (XXXX--,2026) after reviewing and approving Findings of Fact and Conditions of Approval. Any amendment to this Site Plan Permit or Use Permit shall require the review and approval of the Planning Board, unless the Condition of Approval specifically authorizes the Code Enforcement Officer to act on an amendment after these approvals. **Does the Board wish to discuss potential future flexibility of pre-approved amendments to the development?**

4. CHANGE IN APPLICANT: Board approval of the Site Plan Permit and Use Permit for this multi-family housing project was granted to Josh Oxley, Ecologix Homes, LLC Applicant. Any proposed change in the Applicant for this project before completion of all work identified on the approved Site Plan shall require City Planning Board review and approval to determine if the new Applicant has the financial and technical ability to complete the required improvements and comply with the adopted Conditions of Approval.

5. OTHER PERMITS: The Applicant shall obtain and abide by all other permits required for this project and shall provide the City a copy of all non-City permits. If the requirements of any non-City permit conflict with the Site Plan for this project are approved by the Belfast Planning Board, the Applicant shall inform the City of such conflicts and shall approach the Planning Board to resolve such conflicts. The Applicant also shall inform the City of orders regarding project construction and compliance that may be issued by other agencies and describe the action performed by the Applicant to comply with the respective order. Other required permits may include, but are not limited to:

- City of Belfast Building Permit and Certificate of Occupancy
- City of Belfast Electrical Permit
- City of Belfast Sign Permit
- City of Belfast Sewer Connection Permit
- State Department of Environmental Protection Stormwater Management Permit
- State Fire Marshall's Office Permits

6. PUBLIC SEWER: The project and individual units must be served by the public sewer prior to issuance of a Certificate of Occupancy for any of the units. All new sewer improvements must be constructed to the standards identified on the approved plan and standards identified in Chapter 62 of the City Code of Ordinances. The Applicant shall maintain all public sewer improvements that are constructed in good working condition.

7. PUBLIC WATER: The project and the individual units must be served by public water prior to issuance of a Certificate of Occupancy for any of the units. Construction of the water service shall comply with all requirements of the Belfast Water District, including approval of all service lines. The Applicant shall maintain all public water improvements in good working condition.

8. UTILITY SERVICE: The Applicant shall provide utilities (e.g. electric, telephone, internet,) to the site prior to issuance of a Certificate of Occupancy for any unit and all utilities shall be installed in accordance with the specifications identified on the Site Plan and in tentative easement agreement with abutting property owner, Dana Kene. The Applicant shall maintain all utility service improvements in good working condition.

9. SOLID WASTE DISPOSAL: The Applicant shall provide for the collection and disposal of solid wastes and **recyclable materials** generated on the site. The Applicant shall use a dumpster and accompanying containers to provide this service and shall properly screen the area in a four-sided stockade fence that is 6' in height in the location shown on the plan. The Applicant shall maintain this area in good condition.

10. STORMWATER MANAGEMENT: The Applicant shall construct and implement the system to manage stormwater depicted on the approved site plan and in accordance with the approved Stormwater Management Permit By Rule from Maine DEP (#PBR_ID-0101423). The City shall require the construction of the stormwater improvements prior to the issuance of any Certificate of Occupancy for any unit. The Applicant shall provide the City a certificate of construction from a licensed civil engineer certifying that the stormwater improvements have been constructed to the specifications identified on the approved Site Plan prior to issuance of any Certificate of Occupancy.

The owner applicant/owner shall be responsible for maintaining all stormwater improvements in good working condition. The applicant/owner or their agent shall provide the Code Enforcement Officer a plan for regular inspection and maintenance of all stormwater improvements. All maintenance reports and any and all corrective action taken by the applicant/owner to address identified deficiencies shall be provided to the Code Enforcement Officer within 30 calendar days of the inspection. Any failure by the applicant/owner to address identified deficiencies shall

be considered a violation identified in City Ordinances and State Law. Further, the Code Enforcement Officer shall have the authority to inspect stormwater facilities at any point in time, and if warranted, to cite any deficiencies the CEO deems warrant corrective action, and to issue a notice of violation that the CEO may deem appropriate prior to the issuance of any Certificates of Occupancy.

11. EROSION AND SEDIMENTATION CONTROL: The Applicant shall institute the Best Management Practices identified on the approved Site Plan to control erosion and sedimentation during project construction. The Planning Board specifically authorized the Belfast Code Enforcement Officer to approve any minor amendments to the proposed method of erosion and sedimentation control that may occur post Planning Board approval of these Plans. This authority is applicable for the development identified on this Site Plan.

12. NOISE: The Applicant shall not generate excessive noise on the site. Noise may be equal to but not exceed, during any consecutive eight-hour period, an average of 75 dB(A) measured at any boundary line. During the peak activity of 60 minutes in a twenty-four-hour period a noise may not exceed 115 dB(A) when measured at the source.

13. SITE LIGHTING: The Applicant shall install the site lighting identified on the approved Site Plan in accordance with Plan specifications prior to issuance of any Certificate of Occupancy. None of the lighting shall cause glare on any street or abutting property. All lighting shall be less than 3000K in color, downward directed and full cutoff. If any of the installed lighting does cause glare on any street or abutting property, the Code Enforcement Officer shall require the Applicant to correct the problem forthwith. No additional Certificates of Occupancy will be issued until any glare problems are corrected.

The Applicant/Owner shall operate the site lighting on a dimmer system between the hours of 10:00pm and 5:00am so that the site lighting has less of an impact on surrounding properties. Rear building lights will be controlled by individual residents. The Code Enforcement Officer, at the request of the Owner/Applicant, shall have the authority to revise the above hours/schedule for good cause demonstrated by the Applicant/Owner and found warranted by the Code enforcement Officer.

14. LANDSCAPING: The Applicant shall retain existing vegetation and plant new vegetation in areas shown on the Site Plan. The Applicant and all contractors shall take appropriate measures prior to start of construction to work with the Code Enforcement Officer to identify all areas to be retained.

The Applicant shall plant all new landscaping and trees identified on the landscaping plan approved as part of the Site Plan prior to the issuance of a Certificate of Occupancy. That said, if a Certificate of Occupancy is requested between November 1 and April 30, the Applicant/Owner can request a Certificate of Occupancy subject to a condition that all required plantings be installed by the Applicant/Owner by June 30 of the following warm season. Further, the Applicant/Owner shall be responsible for maintaining and watering all new plantings for 1 year after initial planting. For the life of the project, the Owner/Applicant shall be responsible for replacing any dead plantings within one year with a similar size and quality of planting.

15. SIGNS: All Signs requested by the Applicant shall comply with requirements of the City Sign Ordinance and standards identified in section 102-1100 (g) signage. Any new signs proposed on the site shall be benefitted by a sign permit issued by the Code Enforcement Officer.

16. SITE ACCESS AND SIDEWALKS: The Applicant/Owner shall construct the driveway to the site and all project sidewalks to specifications identified on the approved plans prior to issuance of a Certificate of Occupancy. The Owner/Applicant shall maintain the driveway and sidewalks in good working condition throughout the useful life of the project. **This condition would benefit from further review with Board after pending discussion with Board regarding pedestrian accommodations to and within site.**

17. SNOW REMOVAL: The Applicant/Owner shall be responsible for regularly plowing snow from the driveway, parking areas and sidewalks so that such are maintained in a good and safe condition. In the event that the amount of snow is too great to store in the snow storage areas, the Applicant/Owner shall take measures to remove the snow from the site.

18. RECORDING OF APPROVED PLAN: The Applicant/ Owner shall prepare a final Site Plan for the approval of the Planning Board that can be recorded in the Waldo County Registry of Deeds.

19. SURVEY/MONUMENTATION: The Applicant, prior to the issuance of a building permit, shall install temporary boundary markers that enable the Code Enforcement Officer to determine the location of all property and building footprint boundaries, to ensure compliance with required setbacks outlined for the Swan Lake Avenue Mixed Use zoning district.

20. AS-BUILT: The Applicant/Owner shall provide the Code Enforcement Officer two paper copies, a CAD file and a PDF file of an as-built of all project improvements. As-builts shall be provided within 90 days of issuance of a Certificate of Occupancy.

21. STORMWATER/UTILITY EASEMENTS: The Applicant shall provide a finalized easement with Dana Kene regarding stormwater drainage and electric/communications utilities prior to a Certificate of Occupancy being issued for the project. **The finalized easement can be reviewed by Staff upon completion.**

22. E911 ADDRESSING: The Applicant shall work with the City of Belfast Assessing Office to obtain establish legal E911 Addressed for buildings on the subject property, in particular all new and existing residential buildings on property to ensure there are no discrepancies with Emergency Services accessing newly constructed buildings on the subject project.