

**Town of Belgrade
Planning Board
990 Augusta Rd, Belgrade, ME 04917
August 19, 2021 / 6:00 p.m.**

This meeting will be conducted in person at the Belgrade Town Office and online via Zoom at
<https://us02web.zoom.us/j/83033101494>

A G E N D A

Call to Order

1. OLD BUSINESS

A. COMMERCIAL DEVELOPMENT in SHORELAND ZONE APPLICATION –
Discussion and consideration of a waiver request for a COMMERCIAL DEVELOPMENT in SHORELAND ZONE APPLICATION – Change of use of prior approved application. Applicants/Owners: Brightside Wooden Boat Services, Inc. / Shawn Grant Location: 21 Hulin Road, Map 26 Lot 58. Purpose: New commercial use (home occupation business to a commercial operation). No new construction.

2. NEW BUSINESS

A. SHORELAND APPLICATION –
Applicant/Owner: Craig Lefebvre
Location: 9 Homeward Way (Great Pond), Map 15 Lot 18
Purpose: Add square footage to existing cabins, remove 3 uprooted and dying trees (non-conforming structures on a conforming lot).

B. SHORELAND APPLICATION –
Applicant/Owner: John Berthiaume
Location: 30 Hulin Road (Belgrade Stream Great Pond), Map 26 Lot 36
Purpose: Make current porch 1/12 carry the same roof pitch 5/12 to allow proper strength for current snow load per code (non-conforming structure on non-conforming lot).

3. OLD BUSINESS

A. Discuss Commercial Development vegetative screening standards.

3. OTHER BUSINESS

A. Consideration of **meeting minutes** from June 22, 2021, July 15, 2021, and August 5, 2021.

ADJOURN



A. E. Hodsdon
CONSULTING ENGINEERS
10 COMMON ST., WATERVILLE, ME
04901 (207) 873-5164

July 26, 2021
76-20

Mr. Gary Fuller, Code Enforcement Officer
Town of Belgrade
990 Augusta Road
Belgrade, ME 04917

RE: ***Brightside Wooden Boat Services, Inc.***
Hulin Road, Belgrade, Maine
Waiver Request for Shoreland Zoning Permit

Dear Mr. Fuller:

I am writing to formally request a waiver for the Shoreland Zoning application from Brightside Wooden Boat Services.

Section 15 - Land Use Standards defines the minimum Lot Sizes within the Shoreland Zone. §A.1.a requires 40,000 SF and 200-ft of frontage per dwelling unit. §A.1.b requires 60,000 SF and 300-ft of frontage for “each ...Commercial... principal structure or use.” The Board has interpreted these standards to be cumulative and not inclusive.

For the Brightside application this would require 40,000 SF for the applicant’s residence, plus 60,000 SF for the existing boat shop or a total of 100,000 SF and 500-ft of frontage. The Applicant does not have enough land area within 250-ft of the water and frontage for both the Residential and Commercial uses.

The Board has not denied the fact that the applicant has adequate land for his commercial activities, just not enough land within the 250-ft Shoreland Zone. This was demonstrated when they granted the Commercial Development Permit.

During discussion at the July 6, 2021 Planning Board meeting the question was brought up, “What if an applicant had one square foot within the shoreland zone?”. Would they be denied a permit to construct a new home or commercial activity? As a reminder, Brightside is not proposing any new activities within the shoreland zone, other than what is presently allowed by their valid Shoreland Zone and Home Occupation permit.

TO: Mr. Gary Fuller, Code Enforcement Officer
RE: Brightside Wooden Boat Services, Inc.
Hulin Road, Belgrade, Maine
Waiver Request for Shoreland Zoning Permit

Page No. 2

We are requesting the waiver because the Town's has not traditionally required these standards be met for other commercial entities. Other businesses within the Shoreland Zone have expanded their uses without expanding their existing land holdings within the shoreland zone.

We look forward to the Planning Board's discussion and vote on this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert E. Hodsdon III".

Albert E. Hodsdon III
Engineer/Agent

Shoreland
 Certified Contractor
 Number # _____
 Non Shoreland

Town of Belgrade, Maine
APPLICATION FOR PERMIT

990 Augusta Road Belgrade Me 04917
 207-495-2258
 Application # 21-45
 Map# 26 Lot# 58
 Permit# 45

Date Logged 5/18/21 Date Rec'd by PB/CEO 25.00 Fee Paid 40.00 Receipt# 2475

1. Applicant: Name Brightside Wooden Boat Services, Inc. Mailing Addr 21 Hulin Road, Belgrade State/Zip ME / 04917 Phone# 207-778-1706	2. Owner (if other than applicant): Name same _____ Mailing Addr _____ State/Zip _____ Phone# _____
---	--

3. Specific location of property 21 Hulin Road, Belgrade _____ Map# 26 Lot# 34, 35, 56, 57, 58
 Name of Lake/Pond/Stream (if applicable) Great Pond _____

4. Current use of property (check all that apply)
 Residential/Recreational; _____ Individual Private Campsite; Commercial; _____ Industrial; _____ Other

5. Proposed construction or change in use: No new construction, change of use from Home Occupation to Commercial

6. Existing sewage disposal system type and capacity: previously approved by the Town
 Present number of bedrooms 3; Bedrooms to be added under this application 0
 When did you purchase the property within Shoreland Zone? 01/2006 (month/year) If after 11/6/18, attach copy of septic system inspection report documenting it is not malfunctioning.

7. Total lot area 12.6-Acres +/-; Lot area within the Shoreland Zone 68,875 SF

8. Square footage of unvegetated surface within shoreland zone including all structures, driveways, parking, walkways and patios. 18,547 SF

9. What is the total area of cleared openings of woody vegetation (Sqft) 27,920 SF (lawn only, openings cleared of woody veg.)

10. Total number of structures on the lots 3 (within the shoreland zone). A site plan to-scale MUST accompany this application and be prepared in accordance with the requirements on the attached Instruction Sheet (Item #10 on the Instruction Sheet). All required attachments must accompany this application.

Present Structure Square Footage 5,476 SF +/- _____
 Proposed Structure Square Footage same, no new construction _____
 *Required only for structures within Shoreland Zone
 I/We have obtained and understand the requirements of all Town of Belgrade Ordinance which apply to the proposed construction or change of use. The undersigned applies for a permit to build, alter or improve existing structure(s) or grounds as stated above on this application and portrayed on the attachments. The information provided is true and correct. (No new construction is being proposed.)

Signature _____ Signature: _____

There may be additional Federal, State or local permits required depending on the nature of the project.

TOWN USE ONLY
 DECISION: APPROVE DISAPPROVED
 Conditions _____

Date: _____ PB _____ CEO _____
 Signatures: _____

Brightside Wooden Boat Services, Inc.

Application for Shoreland Zone Permit

(Form prepared from the 2018 Shoreland Zoning Ordinance, Section 16.C, pp. 62-65)

Application Narrative

This application for a revised Shoreland Zone Permit is being made by Brightside Wooden Boat Services, Inc., d.b.a. Brightside Marine of 21 Hulin Road in Belgrade. The applicant was originally issued a Shoreland Zone Permit by the Planning Board for Home-Occupation activity on May 1, 2008. The requirement to file this application is based solely on the applicant's change of use from a Home-Occupation Business to a Commercial Operation. This Commercial Development Application was approved by the Belgrade Planning Board on April 16, 2021.

No new construction is proposed as part of this application. No changes are being made within the Shoreland Zone.

The following information is requested under Section 16.C.

- 1.) Site Plan - A to-scale site plan is attached to this application. It contains all required elements of the plan as described in Section 16.C.1

- 2.) Signature - The application is signed by the applicant below.



Shawn Grant, Owner Brightside
Wooden Boat Services, Inc. May 7, 2021
Date

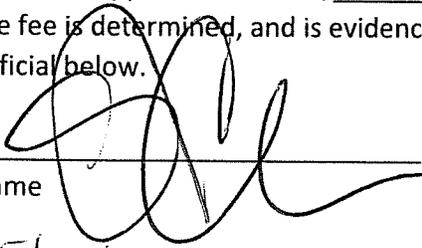
- 3.) The application was received by the following Town of Belgrade Official.

Sheila Thome Deputy Clerk
Name Title
5/28/2021, 2021 at 2:11pm
Date Time

- 4.) Sewer - The property is not served by public sewer. An approved subsurface disposal facility exists for the use of the owner's private home which exists on the site. Employees of Brightside Marina are required to utilize portable toilet facilities which are emptied periodically by a commercial servicing company. No new plumbing permit is being sought as part of this application. No new construction or expansion of any structure is being sought as part of this permit.

The applicant hereby requests for the Local Plumbing Inspector to waive the plumbing permit requirement based on no new use. He further requests, "a [written] statement from the Local Plumbing Inspector that existing subsurface wastewater disposal facilities are approved for the proposed land use or construction and that the application is, therefore, exempt from the requirement that a plumbing permit be filed with the application."

- 5.) No soil disturbance is included as part of this application so no name or MDEP certification number of an earthwork contractor is being provided.
- 6.) No expansion or alteration of any structure is being sought as part of this permit therefore no photographs are being provided.
- 7.) No new disturbed area is created as part of this application; therefore, no stormwater management plan is being provided.
- 8.) Fee – The application fee of \$ 40. was paid at the time of application or when the fee is determined, and is evidenced by the signature of the Town of Belgrade Official below.


Name _____ Title Sheila Sweeney
Deputy Clerk

5/28/2021, 2021 at _____ 2:10 pm
Date _____ Time _____

[Type text]

TOWN OF BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE PERMIT APPLICATION

Return fully completed application with required attachments to:
Code Enforcement Officer, Town of Belgrade, 990 Augusta Rd., Belgrade, Maine 04917

To be completed by Town Code Enforcement Officer upon application receipt:

Project Name: _____ Date _____

Received: _____ Application Number : _____

Check One: CEO permit _____ Planning Board permit _____

Application Fee \$ _____ Date paid: _____

Technical Review Fee \$ _____ (if applicable) Date Paid _____

Applicant Information

1. Proposed name of development or new use: Brightside Wooden Boat Services, Inc.

2. Property owner:

Name: Shawn Grant (dba Brightside Wooden Boat Services, Inc.)

Address: 21 Hulin Road, Belgrade Lakes, ME 04917

Telephone No.: 207-778-1706

Email: brightsidemarina@gmail.com

3. Applicant:

Same as property owner (go to question 5)

Name: _____

Address: _____

Telephone No.: _____

Email: _____

4. Applicant representing self? _____ Yes (go to 6) No (complete 5)

[Type text]

5. Applicant's authorized agent (must provide authorization letter from applicant):

Name: A.E. Hodsdon Engineers

Address: 10 Common Street, Waterville, ME 04901

Telephone No.: 873-5164

Email: jeff@eahodsdon.com

6. Person to receive all communications regarding this application:

Jeffrey Allen, P.E.

7. What legal interest does the applicant have in the property for which a permit is requested (ownership, option, purchase and sales contract, lease, etc.)?

Ownership

Note: Must provide documentation of title, right and interest with this application

Does the deed contain any deed restrictions or covenants? Yes No
If "yes", please list:

Land and Location Information:

8. Location of the property being developed or for which permit is requested:

Belgrade Tax Map 26 Lot(s) 56, 57 & 58 and Map 25, Lot 56B

9. Street(s) on which the development or proposed use is located:

Hulin Road

10. Total acreage of the parcel(s): 11+/- acres

11. Existing conditions on parcel:

Structures (no./dimensions/uses): 2 buildings: 2,400 s.f. & 2,300 s.f. = 4,700
s.f.

[Type text]

Other existing uses of land: Boat storage

12. Is any portion of the property within a shoreland zone, as depicted on Town of Belgrade Shoreland Zoning Map? Yes No

13. Is any portion of the property within a special flood hazard area, as depicted on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps? Yes No

14. Is the property part of an approved subdivision? Yes No

Note: If applicable, provide copies Shoreland Zoning, Subdivision and Flood Plain Ordinance approvals as attachments to application

15. Is the property to be developed located within 500 feet of a municipal boundary?
 Yes No
If yes, which municipality? Rome

Note: If within 500' of a town boundary, the other municipality will be notified of this application.

Proposed Development/ Land Use Application Overview:

16. Provide a brief description of the development or proposal (size and number of structures, proposed uses, etc.)
The applicant proposes to operate a boat restoration shop, provide boat tours,
boat rentals, boat brokerage and sales and boat storage.

17. Are any waivers of the application submission requirements or ordinance performance standards being requested with this submission? Yes No.

If yes, please list each here and attach as part of this application a detailed written request and justification for each submission or standard to which a waiver is required:

- Ordinance Section 11.C.1.b – screening between non-residential use and the public Way

[Type text]

18. Application Fee required to be submitted: Amount attached \$50.00

If required by the Planning Board, the Technical Review Fee¹ required: Amount attached \$ _____

19. Does this development or change of use propose or require extension or expansion of any of the following public infrastructure? _____ Yes No

If yes, check all that apply.

Roads Storm Drains Sidewalks

Other (please specify) _____

20. Provide an estimate of cost of the proposed development: \$ 5,000

21. Provide anticipated start and completion construction dates:

Start date Summer 2021 Completion date 2 weeks

22. Will any portion of the land parcel or a structure be dedicated to a public use?

Yes No. If yes, describe:

23. Identify method of water supply:

On-site ground water well

Other, (please specify) _____

Is water supply to be used for fire suppression?

Yes No

What other water uses will the project include? Please specify.

Domestic use only, already provided by existing well

¹ The Technical Review fee is a fee paid into an escrow account to cover the cost of the Planning Board hiring a technical consultant to assist it with its review of application submissions. This fee is only required when needed and at the discretion of the Planning Board.

[Type text]

What is the projected total water demand of the development or use?

Less than 2,000 gallons per day

2,000 gallons per day or more

Will the water supply meet the State definition of a public drinking water supply system? Yes No. If yes, will it be a transient, community or non-transient non-community water system (specify): _____

Note: If a community or non-transient non-community drinking water system, attach to application a copy of your Maine Drinking Water Program approved source water protection plan.

Is water supply adequate for proposed uses and projected demand?

Yes No

Note: Provide evidence to support (e.g. letter from local well driller or geologist on anticipated well yields)

24. Identify method of sewage disposal for the proposed development or use.

Individual subsurface disposal system (e.g. septic system)

Central on-site disposal

Other, please state Portable toilet system

25. What Federal or State government permits or approvals are required by this proposed development or use?

Maine Department of Transportation Yes No.

If yes, permit type(s): _____

Did MDOT require a Traffic Movement Permit? Yes No

Note: If vehicle access is to a State highway or the Castle Island Road, attach a copy of the MDOT Entrance or Access Permit. If MDOT requires a Traffic Movement Permit, the associated traffic engineering study or plan is to be provided as part of this application.

Maine State Fire Marshal Yes No. If yes, permit

type: _____

[Type text]

Maine Dept. of Environmental Protection ____ Yes No

If yes, permit type(s): _____

Maine DHHS Drinking Water Program approval of a public drinking water system?

____ Yes No

US Army Corps of Engineers ____ Yes No.

If yes, permit type: _____

Other: Yes ____ No

If yes, specify permit type : local Home Occupation/Shoreland Zoning permit is included in Exhibit No. Y.

26. Are you applying exclusively for approval to mine an existing sand and gravel pit for the next 5 years? ____ Yes No

If "yes", skip to question 63

If "not", proceed to question 27.

Information Needed to Assess Compliance with General Development Standards:

27. How will development or proposed use control emissions of dust, ash, smoke, particulate matter or other air pollutants? No air pollutants are anticipated

so no control is needed.

Does proposal meet applicable Federal and State air quality regulatory requirements? Yes ____ No

Note: Documentation that the development or land use meets Federal and State air quality regulatory requirements will be sufficient to demonstrate proposal meets ordinance's air quality standard.

28. Estimated peak daily vehicle traffic to be generated: approximately 10 vehicles

Estimated peak hourly traffic volume: 3-4 vehicles

[Type text]

How were these figures estimated? Explain or cite methodology used.
Estimate from Owner and observation.

29. How many vehicle access points are to be provided from a road? Two

What is the posted speed limit of the road from which vehicles access the proposed development or use? 20 mph. Available line-of-sight from entrances is greater than 200-ft in each direction and is shown on the site plan.

30. Name(s) of contractor(s) responsible for earth work or any soil disturbance and their respective Maine Dept. of Environmental Protection Basic and Advanced Erosion Control Certification No.:

To be determined based on scope of work. This information will be provided to the CEO prior to start.

31. Is a site or structure located on the parcel listed on the National Register of Historic Places? Yes No
If yes, provide name and describe: _____

How will impact on above historical site/structure be prevented or mitigated?
not applicable

Are any archeological sites identified by the Maine State Historic Preservation Commission present on the parcel?

Yes No. If yes, provide name and description:

Copy of MHPC correspondence is included in Exhibit N.

How will impact on above archeological site(s) be prevented or mitigated?

not applicable

32. Will equipment, machinery, inventory, parts, salvage, waste collection containers, dumpsters or other materials associated with the proposed use be stored outdoors?
 Yes No

[Type text]

If yes, please describe the types of items to be stored outside and what measures will be taken to prevent children from accessing.

A single 3 c.y. dumpster is located on-site behind the residence. The dumpster is in an industrial area well away from children

How will dumpster(s) be screened from view from neighbors and public roads?

Dumpster is located behind home and shop, and is adjacent to a densely wooded buffer.

33. Does any portion of the parcel include critical natural areas or significant wildlife habitat, including deer wintering areas, as identified and mapped by the Maine Beginning with Habitat Program? _____ Yes No

Note: Show areas on site plan or provide copy of Beginning with Habitat maps with parcel boundaries indicated as attachment to application.

If yes, describe how impact to those areas and habitats will be avoided or mitigated consistent with recommendations from IFW and Critical Areas Program:

Correspondence from the Natural Areas Program is included in Exhibit I.

Note:

The Natural Areas Program in the Maine Dept. of Agriculture, Forestry and Conservation offers technical reviews and advice on critical plant communities to developers. See following for more information:

<http://www.maine.gov/dacf/mnap/assistance/review.htm>

If the parcel includes critical natural areas or significant wildlife habitat, contact the Critical Natural Areas Program and/or Maine IF&W regional biologist for written mitigation recommendations for inclusion in your application at time of its submission. Not including will delay review of your application until such time as the Planning Board is able to contact these State agencies and obtain recommendations.

[Type text]

34. If parcel includes wetlands identified on the National Wetlands Inventory Map, describe how impact to the wetlands will be avoided or mitigated?

No NWI areas are identified on site.

Note: Show wetland areas on site plan or provide copy of wetland map with parcel boundaries indicated as attachment to application.

35. Is development or change of use located on a hilltop or the lake shore? ___ Yes
 No

Note: If "yes", the Planning Board may require a visual impact assessment to provide evidence that the proposal will not significantly impact the quality of Belgrade's scenic resources in accordance with Article 6, Section 6A.

36. Other than from safety signals and other emergency warning devices, will maximum noise levels produced by the proposed use exceed 60 decibels between 7am and 9:30pm, or 45 decibels between 9:30pm to 7am, at the property lines or the lake shore? _____Yes No

Will these noise standards be exceeded at any time during the course of a single day for more than 15 minutes? _____Yes No

Identify which activities are likely to generate sound in excess of the above standards. Please list and describe:

none known

What noise monitoring, suppression and mitigation/buffering measures are proposed ? Please describe:

None

[Type text]

Note: The Planning Board may require as a condition of approval noise monitoring to ensure compliance with the ordinance's noise standards

37. Will outdoor development construction activities be conducted between the hours of 9:30pm and 7:00am? Yes No

Are residential uses present on abutting land parcels? Yes No. If yes to both, what noise suppression measures will be implemented? List and describe: _____

not applicable.

38. Provide the number, design, location and illumination intensity of outdoor lighting fixtures: _____

Illumination is only from public street lights.

Will light illumination from the development or use beyond any property line exceed 0.5-foot candles? **Not applicable**
 Yes No

Note: If yes, attach a lighting plan to reduce errant lighting onto abutting properties to meet this standard.

Note: The Town may require monitoring of illumination levels following development to determine compliance with the ordinance's lighting standard.

39. Describe off-street parking to be provided for the development/use, including number of general use parking spaces, handicapped spaces and over size vehicle spaces to be provided:

2 gravel parking spaces are located in front of the office and 4 more in front of the workshop. These are shown on the site plan.

How often and where will delivery trucks be unloaded and loaded?
1-2 deliveries are made per week to the office or workshop.

Will vehicles loading/unloading protrude into a public road?
 Yes No

[Type text]

Will delivery vehicles need to back into unloading/loading areas from public road?
 Yes No

How many loading bays will be provided as part of off-street parking: none

40. Describe measures to be provided for security and fire protection for the proposed development or use.

Cameras are to be installed that monitor the yards and office spaces. No additional lighting is needed. There is no on-site fire protection.

Is the footprint of any building greater than 10,000 sq. ft.? Yes No

If yes, describe access to be provided to all sides of the building for emergency vehicles: Not applicable

Will development or use exceed the capabilities of the Belgrade Fire Department?

Yes No

Note: Provide a written statement from the Belgrade Fire Chief regarding whether development or use will exceed the capabilities of the Town Fire Department with any recommendations for additional fire protection improvements. If special training or equipment is required by Fire Department because of the use or storage of toxic or flammable materials or other reasons, the developer/owner is responsible for this cost to the Town.

Will development or use depend upon the Kennebec County Sheriff's Department for security services? Yes No

Note: If yes, provide letter from Kennebec County Sheriff that Sheriff is able to provide requested security services.

41. Is the proposed development or use located within a "Village District" as shown in the Belgrade 2014 Comprehensive Plan land use district map (available at Town office): Yes No

Note: Vegetative screening and sign standards differ in the Village District from elsewhere in Belgrade.

[Type text]

42. Describe vegetative screening to be provided and maintained along all public roads (e.g. depth, length, vegetation composition) (also show on site plan):
Boat storage is behind the home and shop and near the end of Red Oakes Lodge Road. Given the close proximity of the office and workshop to the road, no screening is possible. A waiver is being requested.
43. Describe vegetative screening to be provided and maintained along property line with abutting residential properties (e.g. depth, length, vegetation composition) (also show on site plan):
During summer months, solid vegetation screening exists on both sides of the property fronted on Hulin Road. The screening is primarily deciduous trees that loose their leaves each fall.
44. Provide number, size (sq. ft.), location, anchoring and height off ground level of each proposed advertising or informational sign (also show location on site plan):
None. All signage is on the face of buildings. None are illuminated. Photos of the signs are in Exhibit Q.
45. Will any exterior signs be illuminated? Yes No
- If yes, will sign(s) be externally or internally illuminated: Exterior lighting
 Internal lighting
- Describe shielding to be provided to illuminated signs: not applicable
- _____
- _____
- Provide hours of operation for illuminated signs: not applicable
- Will sign illumination be brighter than 50 foot-candles as measured 100 feet from the sign? Yes No

Note: The Planning Board may require monitoring illumination brightness as condition of approval

[Type text]

46. Is any sign to be an electronically (digitally) changeable sign? Yes No

If yes, provide the minimum time duration a message will be displayed before changing to the next message:

47. Describe solid waste to be generated, including types of waste:

Solid waste comes from waste from boat repairs and stripping of the stored

boats protective coverings each spring.

Estimated volume per year to be generated (cu. yd./year): 100 to 125 c.y./yr.

Method/location of disposal for solid waste: Private hauler under contract

to empty the dumpster weekly.

48. Will oil, petroleum or propane be stored or handled on-site (other than during project construction, a heating oil tank smaller than 330 gallons or a propane tank 200 gallons or smaller) ? Yes No

If yes, describe types and volumes of products:

All individual containers are less than 330 gallons. Nevertheless, two 55-gallon drums of waste petroleum products have secondary containment systems.

How will be stored on-site? Check all that apply. Underground tanks
 Above ground tanks Drums Other

(describe): not applicable

Which State or Federal permits, registrations, notifications or approvals are required to store or handle oil, petroleum or propane associated with this proposal? not applicable

If an underground oil storage facility is proposed, provide the Maine DEP registration number: not applicable.

[Type text]

If a Maine State Fire Marshal permit is required for construction of above ground oil storage tank(s), provide permit number: not applicable

Is a U.S. Environmental Protection Agency Spill Prevention Control and Countermeasure (SPCC) Plan required? Yes No

Note: If yes, attach copy of current SPCC plan to application.

List all other applicable license, permit or registration numbers for oil, petroleum or propane storage, including but not limited to Maine Fuel Board:

Not applicable

49. Will hazardous substances be stored on-site or used? Yes No

If yes, specify types and quantities:

Finishing oils and varnish for repairs. Less than 50 gallons at any given

time. A current stored liquids inventory (January 2021) is included in Exhibit X.

Note: Not all of these products are hazardous or flammable.

50. Will hazardous, special or universal wastes (including waste oil and waste antifreeze) be generated by the project or use?

Yes No. If yes, provide the following information.

Describe type, characteristics and estimated quantity of waste:

Two 55-gallon drums of waste petroleum products.

How will these wastes be properly stored and handled on-site?

The 55-gallon drums are stored on a DEP approved pallet which provides secondary containment for 120% of the stored volume.

How/where will these wastes be disposed? Describe:

Waste oil is disposed of by transporting offsite by a registered waste hauler.

Which State or Federal permits, registrations, notifications or approvals are required to generate, store, handle or dispose of these wastes? List all applicable and provide license, permit or registrations numbers:

not applicable – See Correspondence in Exhibit X from David McCaskill of Maine DEP who confirms that the State of Maine Wellhead Protection regulations are not

[Type text]

applicable to this project because the use of this site as a "Boat Repair" facility, predates the state regulation. Section 3.A of Chapter 700 describes Exceptions to the regulation. The first exception is for "Facilities in existence... on September 30, 2008." Mr. Grant was granted a permit for his boat repair facility by the Town of Belgrade on May 1, 2008.

51. If you answered "yes" to any of questions 48-50, provide the following information:

Will any portion of your development or use be located on a significant sand and gravel aquifer as mapped by the Maine Geological Survey? _____ Yes No.

Note: Show the location of the proposed development or use on a Maine Geological Survey Significant Sand and Gravel Aquifer map. Attach to this application.

See map in Exhibit T. The nearest mapped aquifer is more than 3,000-ft from the site.

Will any portion of your project or use be within 300 feet of a private drinking water well, 1,000 feet of a public drinking water supply well, or within the source water protection area of a public drinking well as mapped by the Maine Drinking Water Program? Yes _____ No

Note: If the development or proposed use will involve the production, use, handling or storage of hazardous substances, oil or petroleum (not propane), and is located on a Significant Sand and Gravel Aquifer or within the source water protection area of a public drinking water system, within 1000' of a public well, or within 300' of a private well, the application must include written documentation from the Maine Dept. of Environmental Protection that the development or use will comply with agency regulations, Chapters 692 and 700, in the form of a variance from those rules or a letter indicating the prohibitions on location over aquifers or near public and private drinking water supplies does not apply. See response to Question 50 above.

52. Will the proposed activity discharge pollutants to any surface waterbodies or ground water, including by way of subsurface waste water disposal system? _____ Yes No

If yes, describe discharge and its physical, chemical and biological characteristics:

[Type text]

Note: If a subsurface waste water discharge system (e.g. septic system) is proposed, show location on the site plan and provide a copy of the Maine Department of Health and Human Services HHE-200 form prepared and signed by a Maine licensed Soil Site Evaluator, including a map of the location of all soil test pits, and any permit from the Maine Department of Environmental Protection or the Dept. of Health and Human Services Plumbing Program.

53. Will any ground water discharge result in any ground water quality measure exceed one-half of a Federal primary drinking water standard or State maximum exposure drinking water guideline? _____Yes No

Will ground water exceed any Federal secondary drinking water standard?
_____Yes No

54. Will ground water withdrawal, including for a drinking water supply or alterations to site surface water recharge characteristics lower the ground water table beyond the property line? _____Yes No

Note: If ground water withdrawal is projected to exceed 2,000 gallons per day, a written assessment is required of the impact on ground water quality and quantity to be prepared by a Maine certified geologist or registered professional engineer with experience in ground water. This assessment must meet the requirements of Article 6, Section 15.A.2. Provide copy of ground water assessment as part of this application.

55. Provide the total area (sq. feet) of impervious area of the development or use, including but not limited to the footprint area of all structures, as well as paved and gravel parking, roads, walkways, etc. 12,482 sq. ft.

56. Provide the total square feet of disturbed area of the development or change of use 19,182 sq. ft. Disturbed area includes the total area cleared of native vegetation, covered with fill, stripped of soil, graded, excavated, or covered by structures, walkways, parking or outdoor storage. See Note #55 above

57. How many linear feet of new road or driveway is proposed? 0 ft.

58. In which lake watershed(s) is the proposed development located? Please specify:
Great Pond

[Type text]

59. What is the allowed phosphorous export in pounds per acre as established by Article 6(B) of the ordinance's (see table of permitted phosphorous export)? 0.088 pounds per acre per year. However, Maine DEP has a lower allowable loading rate of 0.078 pounds per acre per year. To be conservative, this lower rate was used in all calculations.

Note: If a development is located in the watershed of more than one lake, the lower phosphorous standard shall apply.

60. Has this development received a Stormwater Management Permit from the Maine Dept. of Environmental Protection under the Maine Stormwater Management Law? Yes No

If yes, provide a copy of this permit as part of this application. Receipt of this permit shall demonstrate that the development meets the phosphorous control standard of the ordinance.

Note: If your response to question 60 is "No", AND the development as proposed will exceed 15,000 sq. ft. of disturbed area, OR exceed 7,500 sq. ft. of impervious surfaces, OR will include more than 250 feet of new road or driveway; phosphorous export from the development must be controlled in accordance with the requirements of Article 6(B), including a stormwater and phosphorous control plan must be submitted as part of this application, with its control features shown on the site plan.

If the total disturbed area will exceed 30,000 sq. ft. OR the linear length of proposed roads or driveways exceed 350 ft., the stormwater and phosphorous control plan must be prepared and the control features designed by a Maine registered professional engineer in accordance with the Maine Dept. of Environmental Protection's manual *Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, Sept. 1992 or as revised. The plan and stormwater/phosphorous control features on the site plan must be signed and stamped by the Maine professional engineer responsible for their design and development.

If the development includes 30,000 or less square feet of disturbed area AND 350 linear feet or less of new road or driveway, stormwater and phosphorous export may be controlled utilizing the ordinance's *Simplified Phosphorous Control Method*, relying upon vegetated buffers to infiltrate runoff and of dimensions prescribed in Article 6(B) of the ordinance.

61. Describe here or in your storm water and phosphorous control plan provisions for monitoring and inspection, maintenance and use restrictions for stormwater/phosphorous control measures, including buffer strips and infiltration systems:

[Type text]

See phosphorous and stormwater control plans.

62. Is the development or change of use to include (check applicable): Not applicable

n/a New mineral extraction or a processing facility. Provide supplemental information requested by questions 64.

n/a Overnight accommodations (other than a bed and breakfast) Provide supplemental information requested by question 65.

n/a Bed and breakfast. Provide the supplemental information requested by question 66.

n/a Telecommunication tower. Provide supplemental information requested by question 67.

n/a Wind energy facility. Provide supplemental information requested by question 68.

63. For existing gravel, sand or other mining operations (only), seeking operating approval for an additional 5 years, provide the following information:

Will there be an increase in the number or footprint of on-site buildings?

 Yes No If "yes" describe and show on site plan:

not applicable

Will there be an increase in the footprint area of impervious surfaces?

 Yes No If "yes", describe and show on site plan:

not applicable

[Type text]

Will there be an increase in the volume of toxic, flammable, combustible or hazardous substances to be used or stored? ____ Yes No. If "yes" provide details of the materials and how they will be stored and used:

Is any change in existing stormwater or phosphorous control designs or vegetated infiltration buffers proposed? Yes ____ No. Describe in detail and show on site plan:

See Exhibit R.

Will there be any changes to vegetative screening or buffers to neighbors or public roads? ____ Yes No. If "yes", show on site plan and describe in detail:

Will there be an addition of activities or changes in design which may increase noise levels? ____ Yes No. Describe new activities and changes:

Will rock crushing, a concrete plant, an asphalt batch plant or other mineral processing of be added in the next 5 years?
____ Yes No

[Type text]

Note: If “yes”, a full application is required for Planning Board review and approval under Articles 4, 5 and 6 in addition to Article 7 of the ordinance.

Is a change of use proposed that will generate higher traffic to or from the site?
_____ Yes No. If “yes”, describe: _____

Is there a proposed change in location or design of any infrastructure used by the general public, including but not limited to roads, sidewalks, street lights, driveway entrances, or parking areas? _____ Yes No. If “yes”, describe and show on site plan:

Note: If the Planning Board determines that proposed changes to an existing mining operation are significant, the Board may notify the public in accordance with the notification requirements of the ordinance and provide the public an opportunity to comment.

64. For new and existing mining operations, the following information is required in addition to a site plan:

Describe the proposed operating procedures and hours: _____

Not applicable

Provide detailed plans for reclamation of completed areas of excavation or mining (show on site plan and provide a narrative description): _____

Not applicable

[Type text]

Will a 50' vegetated buffer be maintained between any mining or processing operations and public roads and abutting property lines? Yes No

Note: Less than a 50' vegetated buffer from an abutter's property line is permitted only if a written agreement to that affect is reached with that landowner, and a copy is provided as part of the application.

What is the steepest side slope proposed in areas of active mining?
n/a (e.g. 2:1, 3:1, etc.)

Will unauthorized access to the mining operation be controlled? Yes
 No. How?

Not applicable

Describe how dust and mud will be controlled on a minimum of the first 100' of the access driveway:

Not applicable

Are stationary petroleum storage tanks and an equipment fueling area proposed?

Yes No

If "yes", will petroleum storage and fueling facilities be designed and operated in accordance with Maine DEP regulations for petroleum storage associated with aggregate mining operations (Chapter 378)? Yes No. Please provide documentation of such or describe design and operating procedures, including spill prevention, reporting and clean-up. _____

Not applicable

[Type text]

65. If proposing an overnight accommodation, including a hotel, motel, rental cottages, or inn (but not a bed and breakfast), provide the following supplemental information in addition to that previously required elsewhere in this application:

Not applicable

Will this facility be located within a Village District as shown in the Belgrade 2014 Comprehensive Plan's land use map? Yes No

Will any portion of a building be closer than 50 feet to a property line?
 Yes No

Will each rental room be equipped with a hardwired smoke and carbon monoxide detector? Yes No

Note: Hotel, motel or cottage rentals with self-contained kitchen and bathrooms designed as housekeeping accommodations are considered dwelling units and may be subject to review under the Belgrade Subdivision Ordinance.

66. If proposing a bed and breakfast facility for overnight accommodations, provide the following supplemental information in addition to that previously required elsewhere in this application: **Not applicable**

How many parking spaces will be provided for guests? _____

How many additional parking spaces will be provided for the owner or operator?

Will each rental room have its own bathroom? Yes No

Will each rental room have a hardwired smoke detector? Yes No

67. If developing a telecommunications tower, provide the following supplemental information in addition to that required elsewhere in this application: **Not applicable**

Will tower be co-located on existing tower or same parcel as existing tower?
 Yes No. If "no", demonstrate why locating on existing tower or on parcel with existing tower is not feasible: _____

What will be the height of the tower above the ground surface to its maximum elevation, including attachments and extensions? _____ feet

[Type text]

What horizontal distance will the tower be setback from property lot lines? (provide details and show on site plan):

Not applicable

Will the tower be a monopole design? Yes No

Is the lot upon which the tower will be located owned by the tower's operator?
 Yes No If "no", what is the period of the lease? _____ years

Describe the materials and colors of which the tower will be constructed:

Not applicable

Will the tower be located either on a hilltop or on the shore of a lake? Yes No

Note: If "yes", the Planning Board may require a visual impact assessment to provide evidence that the proposal will not significantly impact the quality of Belgrade's scenic resources in accordance with Article 6, Section 6A.

Will the tower be designed and constructed in accordance with the Electronic Industries Association/Telecommunications Industries Association standards?
 Yes No

Note: As part of this application provide written certification by a Maine registered professional engineer that the tower will be constructed in accordance with the above national industry standards

68. If developing a non-residential wind energy facility, provide the following supplemental information in addition to that required elsewhere in this application:

Not applicable

Will turbine(s) be designed by (check): Manufacturer Maine registered professional engineer

Provide the maximum height off the ground surface for each turbine:

[Type text]

Note: If the height of a turbine is greater than 100' off the ground surface, a visual impact assessment shall be required as part of this application to determine whether the facility will have an adverse impact on scenic views from a lake or public places within Belgrade.

Provide the setback in horizontal distance for each turbine from property lines, public and private rights-of-way and overhead utility lines:

Not applicable

Will all turbines be provided with an over speed control system? Yes No
Describe system safety features: _____

Not applicable

Describe safety features of facility to prevent unauthorized access to tower and ground mounted electrical and control equipment: _____

Not applicable

What is the minimum distance from ground level to the lowest arc of the tip of the blades? _____ ft.

Will the tower be a monopole design? Yes No

What impact will the facility have on wildlife movements and migration? Describe:

Not applicable

Note: The Planning Board may request a study of potential impacts of the facility on wildlife movements and migrations.

[Type text]

Describe design features and other efforts to minimize the creation of artificial habitat for raptors or their prey: Not applicable

Describe how the facility will be located to maximize screening views of the turbines by utilizing by utilizing existing vegetation, structures, and topographic features:

not applicable

Describe how the facility will be designed to avoid unreasonable adverse shadow flicker effect on occupied building on abutting properties:

not applicable

Identify all State and municipal public roads in Belgrade to be used in the transport of equipment and parts for construction, operation or maintenance of the facility:

not applicable

Note: The Town of Belgrade will engage a qualified third party Maine registered professional engineer reasonably acceptable to the applicant to document the condition of these roads prior to and after their use to transport equipment associated with this development to document any resulting damage. The applicant is responsible for the cost of any road repairs for which they or their contractors are responsible.

[Type text]

Provide an emergency response plan developed in cooperation with Belgrade Fire and Rescue Department, as well as Kennebec County Sheriff's Department and Maine State police addressing notification to those agencies and coordination with emergency services during the transport of equipment:

not applicable

Describe the fire suppression system and fire safety measures to be part of the turbines: Not applicable

Describe the current general liability insurance covering the facility for bodily injury and property damage, including the dollar amount of coverage:

not applicable

Note: As part of this application, the applicant is to provide a certificate of insurance.

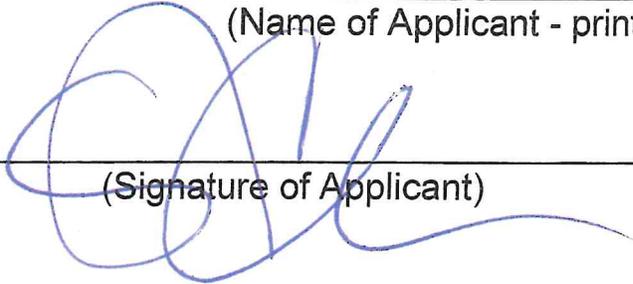
[Type text]

PLEASE READ AND SIGN:

I certify that to the best of my knowledge the information submitted in this application and the attached materials are true, correct and accurate. I understand that before this application can be determined to be complete by the Town of Belgrade; all requested information must be submitted.

Shawn Grant

(Name of Applicant - printed)



(Signature of Applicant)

(Date)

Submit this form, site plan and required attachments to the Town of Belgrade Code Enforcement Officer

[Type text]

MINIMUM REQUIRED APPLICATION ATTACHMENTS²

Attachment	Sources of Information
Copy of deed, option, sales agreement, lease or other documentation of title right or interest	*****
Copy of tax map of property	Town office
Copy Kennebec County soil map of property	https://websoilsurvey.nrcs.usda.gov/app/
Copy of USGS topographical map showing property location	https://www.usgs.gov/products/maps/topo-maps Also available for purchase from: Maine Geological Survey 93 State House Station Augusta, Maine 04333 Phone: (207) 287-2801
Copy of Belgrade Shoreland Zoning map showing property	Town office
Copy of FEMA Flood Insurance map showing property	Town office
Copy of National Wetland Inventory map showing property	https://www.fws.gov/wetlands/
Beginning with Habitat & Natural Areas map showing property	https://webapps2.cgis-solutions.com/beginningwithhabitat/map2/
Copies of other required Federal, State or local permits	*****
24x36" to scale site plan w/ detail drawings	*****
8 copies of the completed application form, required attachments, and to-scale plan drawings reduced to fit on 11" x 17" pages.	*****
Evidence of water supply adequacy	Obtain from your well driller or Maine certified geologist
Soil erosion control plan	*****
MDEP certified contractor name & no.	Obtain from your earth moving contractor or http://www.maine.gov/dep/land/training/cccec.html
National Register of Historic Places listing of historic sites on property	https://www.nps.gov/nr/about.htm
Maine Historic Preservation Commission listing of any archeological sites on property	http://www.state.me.us/mhpc/project_review/index.html

² Other attachments may be required by ordinance depending on nature of proposed development and use along with site conditions. The attachments listed here are those required at a minimum of all applications.

[Type text]

Subsurface waste water disposal site evaluation form (HHE-200)	From your soil site evaluator and designer of your septic system
Exterior lighting plan & specifications for fixtures	*****
To-scale profile (face-on) view of proposed signs	*****
Stormwater management plan	*****
Phosphorous export control plan	*****

[Type text]

BELGRADE COMMERCIAL DEVELOPMENT REVIEW ORDINANCE APPLICATION SUBMISSIONS CHECKLIST

(To be completed by Planning Board chair during review of all applications with exception of Special Permit for 5 year renewals of existing mining operations. Checklist may serve as useful guidance to applicants to ensure application includes all needed maps and attachments to be found complete)

Applicant Name: _____

Development Name: _____

Fee paid: _____ \$50.00 (land only) _____ \$100.00 (buildings & land)

_____ Notice provided by CEO to land owners within 500'

_____ Notice provided by CEO to municipality within 500' _____ Not applicable

Complete	Not Applicable	Waiver Request Approved	Application Submission
X			Application form
X			Applicant's agent authorization letter
X			Copy of deed, option, sales agreement, lease or other documentation of title, right or interest
X			Written waiver request
X			Copy of tax map of property
X			Copy of Kennebec Co. soil map of property
X			Copy of USGS topographic map showing property location
			Copy of Belgrade Shoreland Zoning map showing property location
X			Copy of Flood Insurance Map showing property
X			Copy of National Wetlands Inventory Map showing property
X			Copy of Maine Geological Survey Significant Sand and Gravel Aquifer map showing property location

[Type text]

Complete	Not Applicable	Waiver Request Approved	Application Submission
	X		Copy of Maine Drinking Water Program map of public drinking water supplies showing property location
	X		Copy of MDOT Highway Entrance or Access Permit
	X		Copy of MDOT Traffic Movement Permit & traffic movement study
X			Copies of other required State or local permits
X			1 24x36" Site Development Plan drawn to scale showing at minimum the following: scale, north arrow, parcel boundaries, location and dimensions of existing and proposed buildings and structures, drainage structures, signs, fencing, exterior lights, location and extent of disturbed area, layout and dimensions of impervious surfaces, parking, driveways, roads, outdoor storage areas of equipment/inventory/dumpsters/other materials, location of bulk storage of petroleum/hazardous substances ³ /propane, utilities, drainage ways, easements, rights of way, location of flood hazard areas/water courses/ water bodies/wetlands, Shoreland Zoning districts, location of existing vegetation to be retained, location of vegetated buffers/screening along public roads & property lines and around outdoor storage areas, landscaping, location of wells & source water protection area if public drinking water supply, location of soil test pits and subsurface waste water disposal system(s), other significant natural/physical features, name/address of owner/applicant, and name/address/license number/stamp of professional engineer/surveyor who prepared site plan.

³ Hazardous substances most likely encountered will be degreasers and other solvents used for parts cleaning in vehicle repair, waste oil and gasoline, waste antifreeze, solvents used in auto body shops, solvents used in dry cleaning, wood treatment chemicals, pesticides, and pool chemicals like chlorine.

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
	X		Detail to-scale drawings showing location and construction specifications of drainage features, roads, sidewalks, access points, driveways, parking, traffic control features, fire control structures, and public improvements
	X		Documentation meets applicable State/Federal air quality regulatory requirements
X			Soil erosion control plan (Art. 6, Sec. 3)
	X		MDEP certified contractor name/#
X			Location of site/structure listed on National Register of Historic Places
X			Location of Me. Historic Preservation Commission archeological sites
	X		Information needed to meet Air Quality standard (Article 6, Sec. 1)
X			Information needed to meet Access to Public Streets standard (Article 6, Sec. 2)
	X		Protection measures for Historic and Archeological Resources (Art. 6, Sec.4)
X			Estimated quantities of flammable, combustible and hazardous substances to be stored, handled, or generated, including waste oil and anti-freeze
X			Evidence meets MDEP siting regulations for oil storage and hazardous substance facilities
X			Copy of application provided to Fire Chief by Planning Board or CEO
	X		Other information needed to meet Material Storage standard, including bulk storage of combustible and flammable materials, and hazardous substances (Article 6, Sec. 5)
	X		Visual impact assessment
	X		Plan based on IF&W/Critical Areas Program recommendations to mitigate impact on Natural Areas and Wildlife Habitat, including deer wintering areas
			Other information needed to meet Natural Resource Protection standard (Art. 6, Sec. 6)

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
	X		Is Board requiring post development noise monitoring and reporting plan? If not required, mark "Not Applicable". If required, mark "complete" upon receipt
X			Information needed to meet Noise standard (Article 6, Sec. 7)
	X		Exterior lighting plan & specifications for lighting fixtures
	X		Is Board requiring post development light monitoring and reporting plan? If not required, mark "Not Applicable". If required, mark "complete" upon receipt.
X			Information to meet Parking standard (Article 6, Sec.9)
	X		Written statement from Fire Chief on capacity of Fire Dept. to provide adequate protection
	X		Written statement from Sheriff's Dept. approving any proposed security measures
		X	Other information to meet Public Safety and Emergency Services standard (Article 6, Sec. 10)
		X	Information to meet Screening of Structures, Parking Lots, and Other Non-residential Uses standard (Article 6, Sec. 11)
X			To scale profile(face-on) view of proposed signs
X			Other information to meet Sign standard (Article 6, Sec. 12)
X			Stormwater Management Plan
			Other information to meet Stormwater Management standard (Article 6, Sec. 13)
	X		Subsurface waste disposal site evaluation form (HHE-200)
X			Other information to meet Wastes standard (Article 6, Sec. 14)
	X		Groundwater quality and quantity impact assessment
	X		Copy of deed restrictions related to drinking water and ground water protection

[Type text]

Complete	Not Applicable	Waiver Requested & Approved	Application Submission
	X		Copy of Maine Drinking Water Program public water supply approval & source water protection plan
	X		Copy of MDEP Stormwater Management Permit
X			Phosphorous export control method
	X		Other information to meet Water Quality standard (Article 6, Sec. 15)
	X		Supplemental site plan requirements for mineral extraction operations
	X		5 year mining/reclamation plan
	X		Mineral extraction/processing operating procedure and hours
	X		Hydrogeological study of ground water movement & quality
	X		Written extraction/processing buffer agreement with abutter
	X		Reclamation Plan for extraction/processing operations
	X		Design/operation details of stationary petroleum storage and equipment fueling
	X		Other information to meet Mineral Extraction and Processing Operations standards (Article 7, Sec. 1)
	X		Information to meet Overnight Accommodations standard (Article 7, Sec. 2)
	X		Visual impact assessment of telecommunication tower if located on lake shore or hilltop
	X		Maine registered professional engineer certification of telecommunication tower design
	X		Other information to meet Telecommunications Tower standards (Article 7, Sec. 3)
	X		Visual impact assessment for wind turbine taller than 100'
	X		Impact study of wind turbine on wildlife
	X		Identification of roads to be used for turbine transport

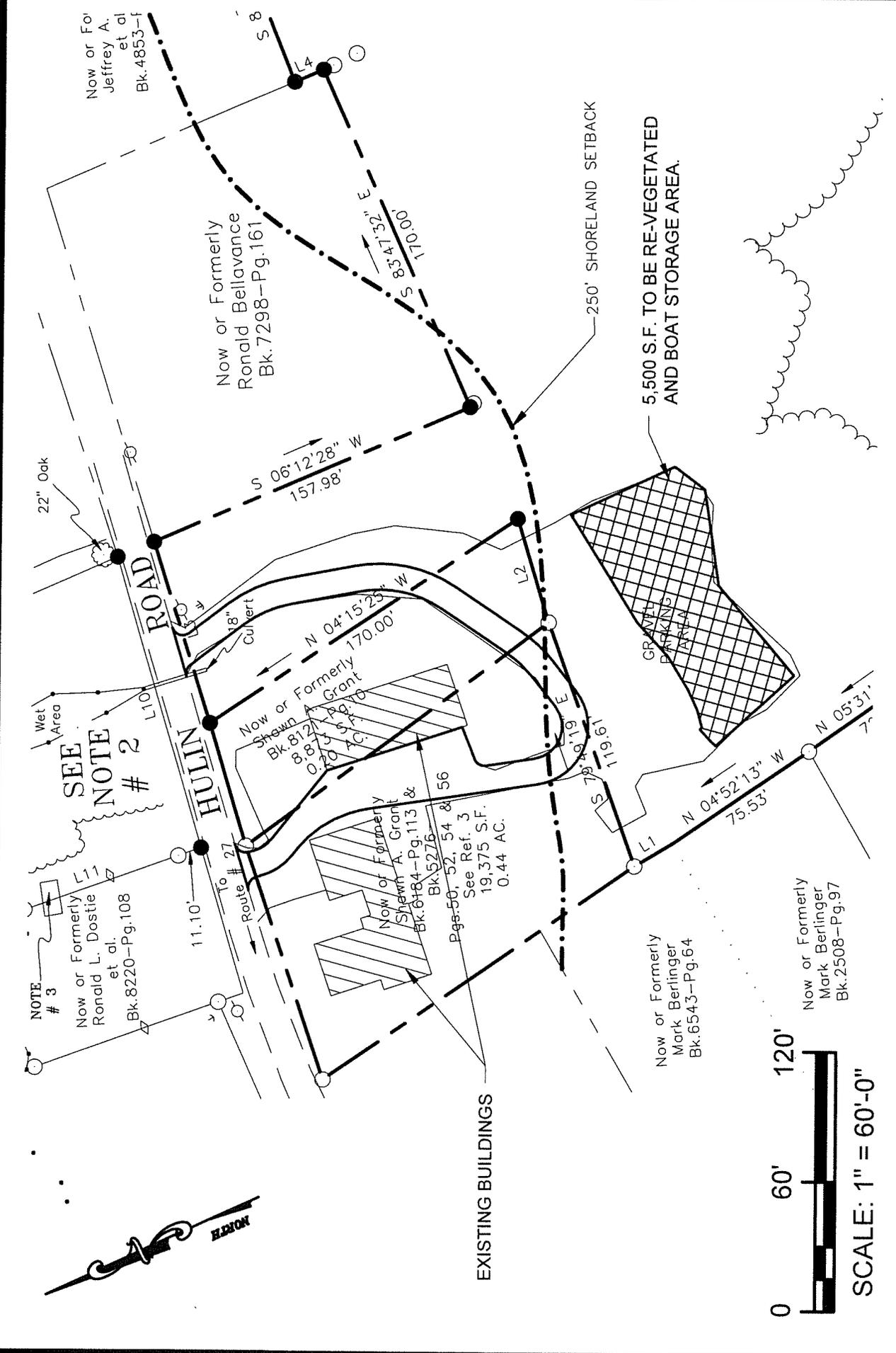
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Complete	Not Applicable	Waiver Requested & Approved	Application Submission
	X		Hiring of engineer by Town at applicant's expense to document road conditions prior to use and damage after use
	X		Emergency response plan during equipment transport
	X		Turbine general liability certificate of insurance

Printed Name Planning Board Chair or Designee

Chair or Designee Signature

_____, 2021
Date



Sheet No. **S1**

AEH Odsson
 CONSULTING ENGINEERS
 (207) 873-5164
 (207) 872-0845
 10 Common Street Waterville, Maine 04901
 Drawn By: PLS
 Approved By: JLA
 Scale: AS NOTED
 Date: 01/19/2021

Project No. 76-20
File No.

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY WITHOUT ORIGINAL SIGNATURE AND SEAL

**SKETCH PLAN
BRIGHTSIDE MARINE**

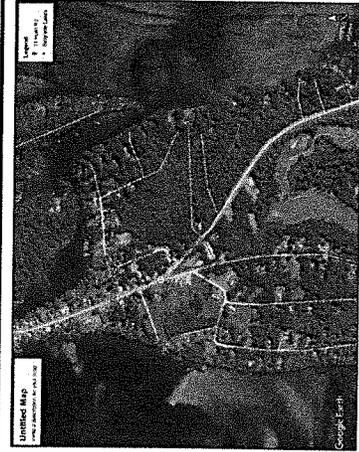
BELGRADE LAKES, MAINE

Revisions	Date / App'd.

21 HULIN ROAD

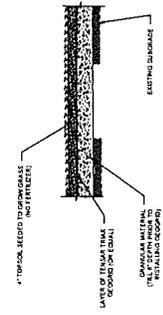
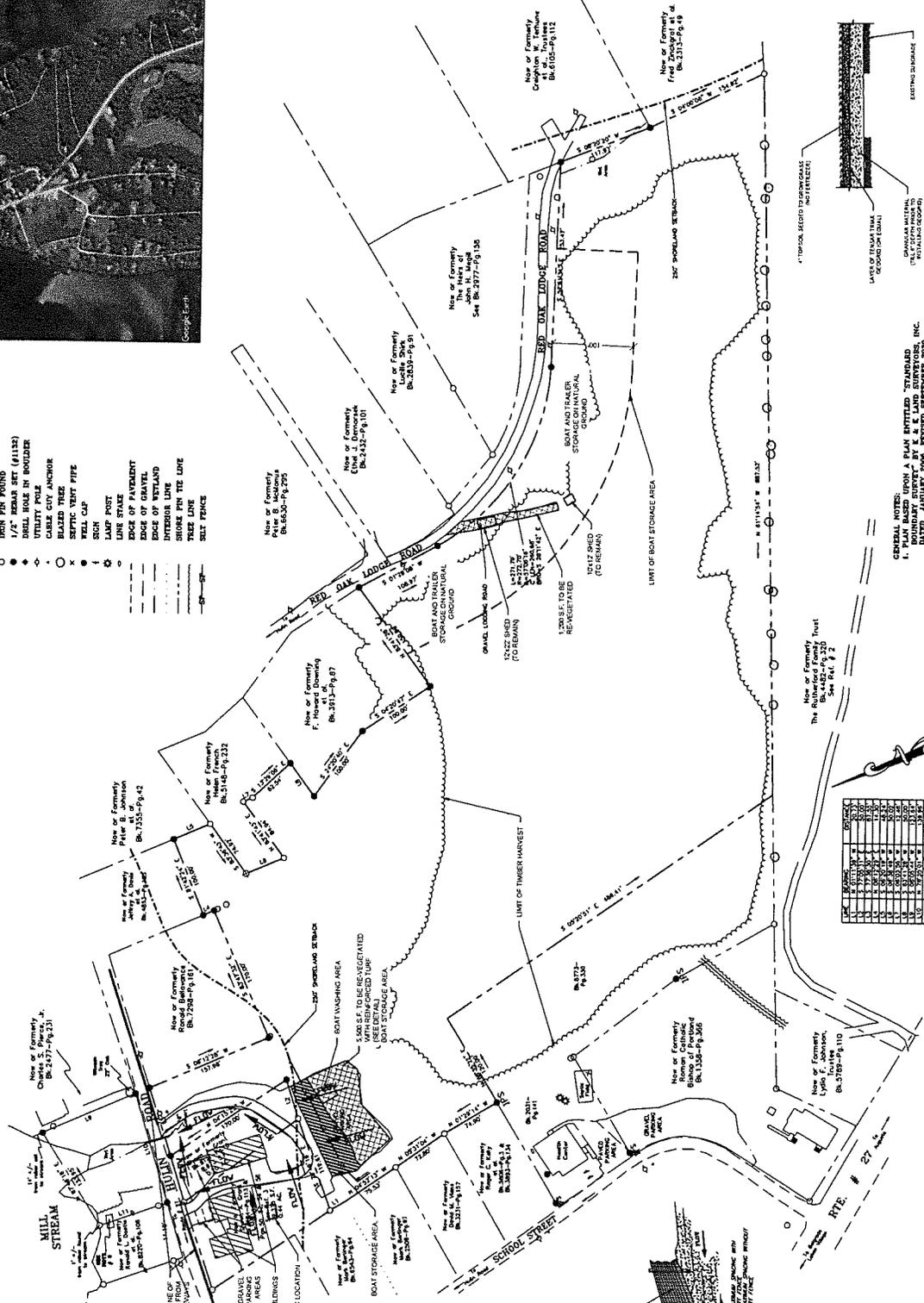
No.	Date / App'd.

NO.	APP'D.	DATE	REVISIONS
1	J.A.	09-25-2020	TOWN SUBMITTAL
2	J.A.	02-23-2021	REVISED TOWN SUBMITTAL
3	J.A.	02-23-2021	REVISED TOWN SUBMITTAL



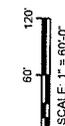
LEGEND

- These standard symbols will be found in the drawing.
- IRON PIN FOUND
 - 1/2" REBAR SET (#1132)
 - ◆ DRILL HOLE IN BOLLARD
 - ◇ SPLIT PIPE
 - ◊ CLAMP END ANCHOR
 - ⊗ BLASED TREE
 - ⊙ SEPTIC VENT PIPE
 - ⊕ WELL CAP
 - ⊖ SON
 - ⊘ LAMP POST
 - ⊙ EDGE OF LAWN
 - ⊙ EDGE OF GRVEL
 - ⊙ EDGE OF WETLAND
 - ⊙ INTERIOR LINE
 - ⊙ SHORE PIN THE LINE
 - ⊙ TREE LINE
 - ⊙ SILT FENCE



TYPICAL REINFORCED TURF DETAIL
 NET TO SCALE

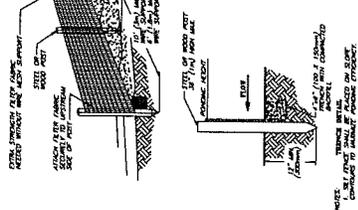
GENERAL NOTES:
 1. PLAN BASED UPON A PLAN ENTITLED "STANDARD" DATED JANUARY 2000, PREPARED BY STANLEY W. BATES, SEPTEMBER 2020.
 2. NATURAL GROUND MEANS NO DISTURBANCE OF EXISTING VEGETATION OR SOIL.



SCALE: 1" = 60'-0"

NO.	DATE	DESCRIPTION
1	09/25/2020	TOWN SUBMITTAL
2	02/23/2021	REVISED TOWN SUBMITTAL
3	02/23/2021	REVISED TOWN SUBMITTAL

SILT FENCE
 NET TO SCALE



NOTE: STRAW SHALL BE PLACED ON TOP OF GEOTEXTILE AND SHALL BE COMPACTED TO 10% MOISTURE CONTENT. STRAW SHALL BE PLACED IN 12" LAYERS. STRAW SHALL BE PLACED IN 12" LAYERS. STRAW SHALL BE PLACED IN 12" LAYERS. STRAW SHALL BE PLACED IN 12" LAYERS.

Memorandum

To: Town of Belgrade Planning Board
From: Michael A. Hodgins, Esq.
Date: June 30, 2021
Re: Planning Board Questions Regarding the Brightside Wooden Boat Services, Inc. Shoreland Zoning Permit Application

The following addresses the six questions posed through the Planning Board Chairman after action on the above-referenced Permit Application was tabled at the June 17, 2021 meeting.

QUESTIONS PRESENTED AND ANSWERS

1. What effect does the 2008 Home Occupation Permit have on the proposed commercial use, including whether the commercial use is a principal use?

Answer: The approval of the 2008 Home Occupation Permit has little or no application to the proposed commercial use. The home occupation and commercial use are, by definition, different standards. The fact that the Planning Board in 2008 approved the home occupation use should not be seen as a first step in the approval of the proposed commercial use.

The fact that there is a residence on the property does not mean that there cannot be a separate principal commercial use. The ordinance defines a "principal use" as a use "other than one which is wholly incidental or accessory to another use on the same premises." The home occupation, by definition in the Shoreland Zoning Ordinance ("SZO"), is considered incidental. The boat repair business would not be incidental or accessory to the residence. As discussed further below, Section 15(A)(5) of the SZO contemplates the possibility of multiple principal uses on a single lot.

2. What is the effect of the proposed commercial use (boat shop) physically crossing between two non-conforming lots?

Answer: Because the boat shop appears to straddle the property line, and other parts of Lots 57 and 58 are being used for the proposed commercial use, for purposes of this permit application those lots should be considered merged under SZO Section 12(E) because they are in the same ownership. On their own, they do not meet State Minimum Lot Size requirements. SZO, Section 12(E)(2). (*see*, question 3, below).

3. What is the relevance that Lot 58, which includes the current residence, is smaller than the 20,000 square-foot requirement for dwelling units under the State Minimum Lot Size Law?

Answer: The fact that the current residence and subsurface waste disposal appear to be grandfathered would exempt concerns about the lot size for Lot 58 standing alone. However, the State Minimum Lot Size Law reinforces the fact that Lots 57 and 58 should be considered merged, when read in conjunction with the non-conforming lot provisions of the Shoreland Zoning Ordinance. Section 12(E)(2) of the SZO says that “if a principal use or structure exists on *each lot*, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with for *each lot* conveyed.” (emphasis added). It does not appear that Lots 57 and 58 could be sold separately and both conform to the minimum lot size statute, nor would that be practical given the location of the boat shop crossing the boundary of the two lots.

4. Should Lots 57 and 58 be merged according to SZO Section 12(E)?

Answer: Yes, see the responses to questions 2 and 3.

5. Are Lots 34 and 35 (on the north side of Hulin Road) to be considered separate lots under SZO Section 15(A)(3), and are the lots under consideration less than 68,875 sq. feet?

Answer: Yes, the lots on the opposite side of Hulin Road should be considered separate lots for purposes of this Shoreland Zoning Permit Application. There has been no suggestion that Hulin Road was created by the owner of the land on both sides of the road at a point after September 1971. The same determination was made with respect to Lots 34 and 35 during the attempted permitting of the marina on Lots 34 and 35 in 2018. It is unclear what the total lot area is in the Shoreland Zone for the actual lots under review, however, based upon the square footage shown on the site plan, there is approximately 28,000 ft.² on Lots 57 and 58 combined, with additional area in the Shoreland Zone on Lot 56 which would not appear to double that amount.

6. How should SZO Section 15(A)(5) be interpreted for purposes of calculating the required lot area for a combined principal residential use and principle commercial use of the lots in the Shoreland Zone?¹

Answer: Under Section 15(A)(5) the required lot area dimensions for combined uses must be aggregated, so 100,000 sq. ft. of land area in the Shoreland Zone is required for two principal uses. The Belgrade Shoreland Zoning Ordinance requires that that portion of land falling within the Shoreland Zone stand alone for purposes of determining compliance with the Shoreland Ordinance, therefore, the lot area requirements in Section 15(A)(1) must be met for each of the residential use and the commercial use.

¹ The Shoreland Zone is the entire area within 250 ft. horizontally from the high water mark of a great pond. (see, SZO Section 3, “Applicability” and Section 17, “Definitions.” This is inclusive of, but distinct from, the 100 ft. “setback” area for structures.

For purposes of the existing residence and home occupation, the uses and lots would be considered permitted and/or grandfathered. However, if the residential use and commercial use are to exist together on the same lot, or even if the commercial use were to be sought as a standalone use, the lot area in the Shoreland Zone would need to meet the current requirements. The lots would not be considered grandfathered for commercial use. Because the combined lots within the Shoreland Zone still appear to be undersized, such commercial use would create an impermissible expansion of the nonconforming condition, as determined by the Law Court in *Shawn Grant v. Town of Belgrade*, 2019 ME 160.

In reaching this conclusion, the key language in Section 15(A)(5) is the sentence that states, when “determining whether minimum lot area requirements are met, *only land within the Shoreland Zone* shall be considered.” (emphasis added). That language is clear and unambiguous, as is the fact that this is a proposal for a combined residential use with a principal commercial use.

To confirm the intent of this language in Section 15(A)(5), it is helpful to review related language in the Belgrade Minimum Lot Size Ordinance (“MLSO”). Although it would seem that the substantial area on these lots outside of the 250 ft. Shoreland Zone could be considered for the total lot area required, the Belgrade MLSO also specifies that when considering areas addressed by both the SZO and MLSO, land area and dimensions “effective outside the Shoreland Zone *shall not be considered in determining the conformity of a lot to the area or dimensional requirements of the Shoreland Zoning Ordinance or to the determination of findings with respect to any land use to be considered in accordance with the Shoreland Zoning Ordinance.*” MLSO, Section 3(B)(1). (emphasis added). Reading this language together with Section 15(A)(5) of the SZO, it is clear that only that area between Hulin Road and the 250 ft. Shoreland Zone border can be included in the calculation of whether these lots support a commercial use and/or a combination of residential and commercial uses.

Potential Options for Future Consideration.

Because the current home occupation is permitted, one potential result would be to continue the uses in compliance with the home occupation permit within the Shoreland Zone, and consider a permit for the remaining commercial uses on land outside of the Shoreland Zone. To the extent that rentals or charters run from the home could be approved as an amendment to the home occupation (they are not included in the current home occupation permit), that portion of the proposed activity could conceivably remain active on Lots 57 and 58 with an amendment to the Home Occupation permit, so long as the more intensive commercial uses requiring more than two employees occur on land outside of the Shoreland Zone.

However, the Commercial Development Review Ordinance approval was conditioned upon the existing site plan and dependent upon approval of a Shoreland Zoning Permit, so the Commercial Development Review permit would need to be revisited and amended because it is ineffective without the Shoreland Zoning Permit. To the extent the boat repair shop requires a larger footprint or more employees, Brightside would have to move or reconstruct the boat repair garage entirely outside of the Shoreland Zone, assuming the remaining land can support that activity consistent with existing ordinances.



August 11, 2021

Via e-mail: perushton@roadrunner.com
Peter Rushton, Belgrade Planning Board Chair

RE: Shawn Grant/Brightside Wooden Boat Services, Inc.
My File No. 502268

Dear Mr. Rushton,

As you know, I represent Shawn Grant, Mandy Grant, and Brightside Marine with respect to their pending shoreland zoning application. I understand this matter will be on the Planning Board agenda next Thursday, August 19, 2021.

I want to confirm that, at the hearing, we will be seeking a waiver of the shoreland zoning dimensional lot requirements. I respectfully suggest that it would be it would be legally permissible for the Board to grant such a waiver. The Board has done so with respect to other commercial activities in Belgrade. In addition, the Board has already granted a waiver in this matter with respect to buffering requirements. We look forward to an opportunity to convince you that an additional waiver is warranted here.

Thank you for your consideration of this matter and I look forward to seeing you on the 19th.

Sincerely,

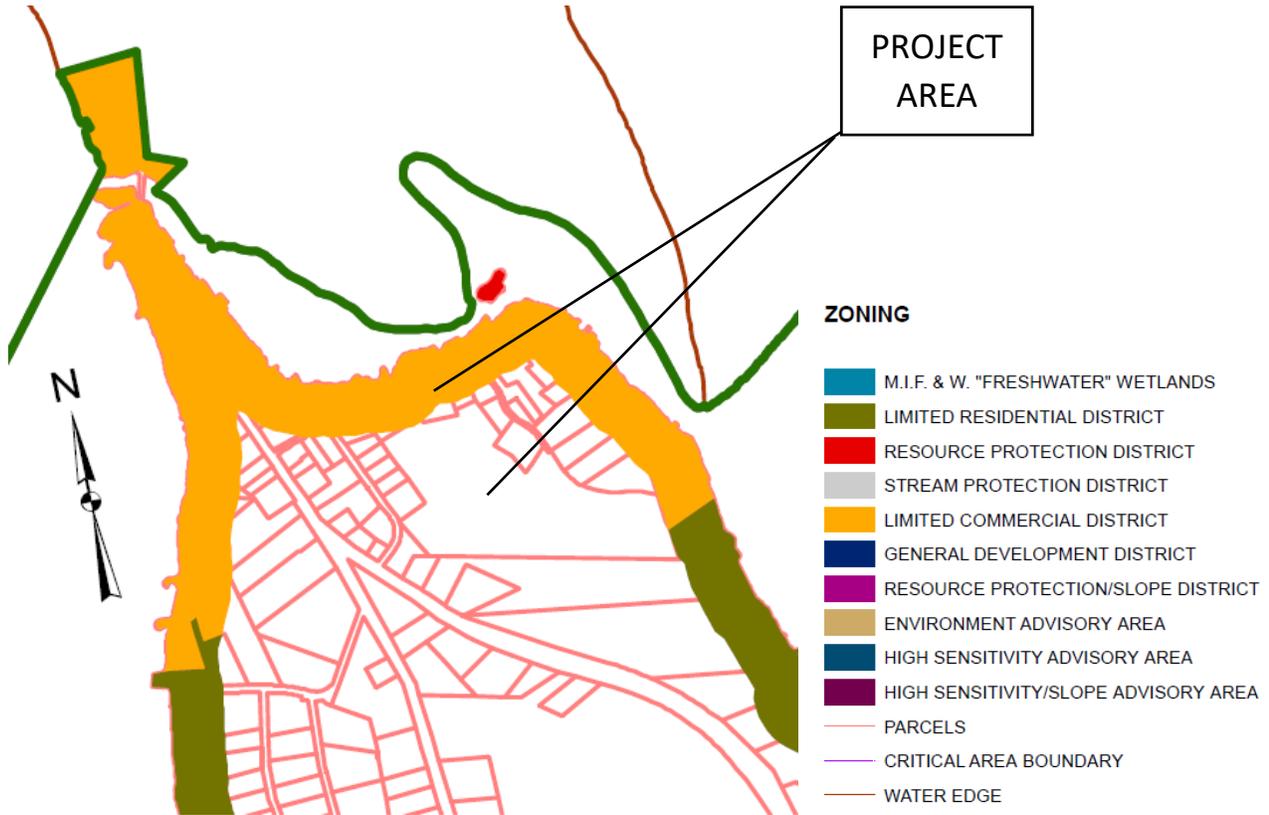
/s/ Roger J. Katz

Roger J. Katz, Esq.
rkatz@lkblawmaine.com
RJK/rg

cc: Shawn Grant (via e-mail)
Peter Sargent peterfsargent@aol.com
George Seel georgeseel@outlook.com
Craig Alexander crgsnbe@yahoo.com
Rich Baker: rpbaker11@gmail.com
Melanie Jewell: MJewell@townofbelgrade.com
Daniel Newman: dnewman@townofbelgrade.com

Ricky Damren: oak934@yahoo.com
Barbara Allen ballen@townofbelgrade.com

Shoreland Zoning Map and Legend



The portion of Town of Belgrade's Shoreland Zoning Map that encompasses this project is shown above. Some of the project area that fronts on Hulin Road is in the Limited Commercial District as shown. The District boundary (250-ft from the shoreline) is shown more clearly on the Site Plan. The rear portion of the property may touch in this district and the Limited Residential District as well. No activities are proposed in or near the shoreland area at the eastern edge of the property.

CHAPTER 4 – Variances and Waivers

Authority to Grant Variances or Waivers

Zoning Variances

As a general rule, any ordinance provision which attempts to authorize the planning board, code enforcement officer, or municipal officers to grant variances from zoning requirements violates 30-A M.R.S.A. § 4353, since that statute gives the board of appeals the sole authority to grant a zoning variance. *Perkins v. Town of Ogunquit*, 1998 ME 42, 709 A.2d 106; *York v. Town of Ogunquit*, 2001 ME 53, 769 A.2d 172. A municipality's home rule authority under 30-A M.R.S.A. § 3001 has been preempted by 30-A M.R.S.A. § 4353 regarding delegation of authority to grant zoning variances.

The Maine Supreme Court in *Hartwell v. Town of Ogunquit*, 2015 ME 51, 115 A.3d 81, found that the planning board's decision to grant a project approval without requiring the applicant to satisfy a building elevation requirement was tantamount to the unauthorized granting of a waiver. The court remanded the case with instructions that the board require the missing building elevation information. (Note: Since the site plan review provisions in this case were part of a zoning ordinance and not a stand-alone ordinance, the town arguably could not grant waiver authority to the planning board; such an ordinance provision might constitute the granting of illegal variance powers to the planning board. See, *Perkins v. Town of Ogunquit, supra.*)

In 2005 section 4353 (4-C), last paragraph was amended to allow a zoning ordinance to explicitly authorize the planning board to approve applications that don't meet required zoning dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or to provide for reduced setbacks for lots or buildings made nonconforming by a zoning ordinance. An approval which falls within these guidelines does not constitute a zoning variance. This authority does not include shoreland zoning dimensional standards. The amendment was enacted in response to the Maine Supreme Court decision in *Sawyer v. Town of Cape Elizabeth*, 2004 ME 71, 852 A.2d 58. See also, *Wyman v. Town of Phippsburg*, 2009 ME 77, 976 A.2d 985 (construing two different buffer provisions in a zoning ordinance and concluding that the planning board decision regarding buffer width wasn't tantamount to the granting of a variance).

In 2013 the Legislature enacted 30-A M.R.S.A. § 4353-A. That statute allows a municipality to enact a zoning ordinance provision which authorizes the code enforcement officer to grant a disability variance as part of a permit to make a dwelling accessible for a person with a disability who resides in or regularly uses the dwelling. Normally, such a variance would be

granted by the board of appeals pursuant to 30-A M.R.S.A. § 4353(4-A)(A) without the need for an ordinance provision.

Non-Zoning Variances

Often a subdivision or site plan review ordinance or other non-zoning ordinance gives the planning board the authority to waive certain requirements of the ordinance if they would cause hardship to the applicant. The definition of “hardship” in that context is not necessarily the same as the definition of undue hardship in § 4353, unless the ordinance expressly refers to that statute. Although the municipality may give the authority to grant these waivers to the board of appeals, there is no conflict with § 4353 if a non-zoning ordinance empowers the planning board to grant waivers. In any case, a non-zoning ordinance which authorizes a board or official to waive certain requirements should set out the standards to use in determining whether an applicant will suffer a hardship without a waiver. However, if the waiver authority granted under a non-zoning ordinance attempts to authorize a board or official to waive dimensional standards or other requirements established under a zoning ordinance, such a waiver provision is beyond the municipality’s home rule authority, unless it falls within the 2005 guidelines set out in section 4353 described above. *Sawyer v. Town of Cape Elizabeth*, 2004 ME 71, 852 A.2d 58. See also *York v. Town of Ogunquit*, 2001 ME 53, 769 A.2d 172.

The Maine Supreme Court in the case of *Jarrett v. Town of Limington*, 571 A.2d 814 (Me. 1990), overturned a number of waivers granted by the planning board from various requirements of the town’s subdivision ordinance. The court found that the board had exceeded the authority granted to it under the language of the ordinance. In *Bodack v. Town of Ogunquit*, 2006 ME 127, 909 A.2d 620, the court found that, while the evidence in the record probably would have supported a waiver decision by the board, the board had failed to make required written findings and conclusions, so the court vacated the board’s decision.

Procedure for Obtaining a Variance

Some ordinances allow an applicant to seek a variance from the appeals board before applying to the code enforcement officer or planning board for a permit or approval. Most require that the applicant apply for the permit or approval first and then seek a variance as an appeal from the denial of the original application. Study the ordinance governing the project to determine the appropriate sequence in your municipality.

Recording Variances/Waivers

State law (30-A M.R.S.A. § 4353 and § 4406) requires the board of appeals and the planning board to prepare a certificate which can be recorded in the Registry of Deeds and provide it

to the applicant for recording whenever they grant a zoning variance or a subdivision variance or waiver. In the case of the planning board waiver, where a subdivision plan will be recorded, the required information must be noted on the plan. A sample subdivision variance form is included in Appendix 5. To be valid, these certificates or plans must be recorded within 90 days of the decision on a zoning variance or within two years of the final approval of a subdivision plan. If they are not recorded within the stated deadlines, they become void. The only way to “reactivate” the variance or waiver in that case is for the person wishing to rely on the variance or waiver to submit a new application on which the board may act. The board’s review would be governed by the ordinance in effect at the time of the new application. The board is not obligated to grant the variance or waiver automatically the second time around; if it determines that it made a mistake the first time, it should deny the new request. *Peterson v. Town of Rangeley*, 715 A.2d 930 (Me. 1998). If the board of appeals is only authorized to hear a variance request as an appeal from a decision by another board or official, then the person who wants the variance would need to reapply for the permit/approval and be denied again in order for the board of appeals to hear the new variance request, absent language in the ordinance to the contrary.

Variance vs. Special Exception/Conditional Use

There is often confusion between variances/waivers and special exceptions/conditional uses. When a board grants a variance or waiver, it is essentially waiving or reducing some requirement of the ordinance which would otherwise prevent a proposed structure or project from being built. Depending on the wording of the local ordinance, variances are sometimes authorized for dimensional requirements (such as lot size, setback, and frontage) as well as to allow uses which are otherwise prohibited by the ordinance. The exact wording of the ordinance governs what variances or waivers may be granted in a particular municipality.

Special exception and conditional use provisions in a zoning ordinance deal with uses which the legislative body generally has decided to permit in a particular area of the community. The purpose of the special exception or conditional use review procedure is to allow the planning board or board of appeals (whichever one is authorized by the ordinance) to determine whether conditions should be imposed on the way the use is conducted or constructed, in order to ensure that the use is consistent with and has no adverse impact upon the surrounding neighborhood. This decision must be guided by specific ordinance standards.

Effect of Variance Decision

When the board of appeals grants a zoning variance, the effect is to waive or modify some requirement(s) of the ordinance which the applicant was unable to meet. Without the variance from the board of appeals waiving or modifying the ordinance requirement, the

planning board or CEO would have had no legal authority under the ordinance to approve the application. The variance itself does not constitute a “permit,” however. Generally, once a variance is granted, the applicant must return to the planning board or some other local official for a permit authorizing the project as a whole. The granting of the variance removes an obstacle to the issuance of the permit or other approval by the planning board or the code enforcement officer.

Once granted, a variance “runs with the land,” meaning that the variance is transferred automatically to a new owner if the property subsequently changes hands. It has an indefinite life unless the municipality has set a time limit by ordinance after which the variance will expire if not used. Young, *Anderson’s American Law of Zoning* (4th ed.) § 20.02, pages 412-416; *Inland Golf Properties v. Inhabitants of Town of Wells*, AP-98-040 (Me. Super. Ct., Yor. Cty., May 11, 2000).

After a variance is granted and a building is constructed or activity conducted based on that variance, the building or activity thereafter should be treated as a legally conforming structure or use for the purposes of deciding which ordinance provisions govern it in the future. *Sawyer Environmental Recovery Facilities, Inc. v. Town of Hampden*, 2000 ME 179, 760 A.2d 257. This probably is true even if the variance was granted illegally, if it is not appealed. *Wescott Medical Center v. City of South Portland*, CV-94-198 (Me. Super. Ct., Cum. Cty., July 15, 1994). The granting of a lot size variance brings the lot into “dimensional conformity” regarding minimum lot size. *Campbell v. City of South Portland*, 2015 ME 125, 123 A.3d 994. A building or activity that is conforming because of the granting of a variance may later become legally nonconforming as a result of an ordinance amendment.

Shoreland Zoning Variances

Title 38 M.R.S.A. § 438-A(6-A) requires the board of appeals to send copies of all shoreland zoning variance applications (and any supporting material) to the Department of Environmental Protection for review and comment at least 20 days before taking action on the application. If the DEP submits comments to the board, they must be entered into the record and considered by the board in making its decision. Shoreland zoning ordinances require that variance decisions be filed with the DEP within 14 days from the date of the decision.

If DEP staff believes that the board has incorrectly interpreted the undue hardship test or otherwise erred in granting a variance, they may ask the board to voluntarily reconsider its decision. However, unless the DEP actually participated in the board of appeals proceedings on the variance application, either by having a staff person attend or by sending written comments for the record, the court has held that DEP cannot appeal the granting of the

variance in court. *Department of Environmental Protection v. Town of Otis*, 1998 ME 214, 716 A.2d 1023. The State does have another option, since it has the authority under 38 M.R.S.A. § 443-A to take enforcement action against a municipality which is not administering and enforcing its shoreland zoning ordinance as required by State law.

The Maine Supreme Court has interpreted 30-A M.R.S.A. § 4353 and 38 M.R.S.A. § 439-A(4) as allowing a municipal board of appeals to grant a dimensional variance to permit an expansion within the shoreland zone as long as the applicant **proves undue hardship and the dimensional variance and expansion are not otherwise prohibited by the ordinance.** *Peterson v. Town of Rangeley*, 1998 ME 192, 715 A.2d 930. Section 439-A now includes express language to that effect.

Shoreland
 Certified Contractor
 Number # _____
 Non Shoreland

Town of Belgrade, Maine
APPLICATION FOR PERMIT

990 Augusta Road Belgrade Me 04917
 207-495-2258
 Application # 21-60
 Map# 15 Lot# 018
 Permit# 60

Date Logged 7/7/21 Date Rec'd by PB/CEO 7/8/21 Fee Paid 25 Receipt# 3752

1. Applicant:
 Name Craig Lefebvre
 Mailing Addr 2890 West River Rd Sidney
 State/Zip Maine 04330 Phone# 207-649-3353

2. Owner (if other than applicant):
 Name _____
 Mailing Addr _____
 State/Zip _____ Phone# _____

3. Specific location of property 9 Homeward Way Belgrade, Me Map# 15 Lot# 018
 Name of Lake/Pond/Stream (if applicable) Great Pond

4. Current use of property (check all that apply)
 Residential/Recreational; _____ Individual Private Campsite; _____ Commercial; _____ Industrial; _____ Other

5. Proposed construction or change in use: Add Square Footage to Existing Cabins, Remove 3 up rooted and dying trees

6. Existing sewage disposal system type and capacity: 1,000 Gallon Septic Tank, Leach Field pump station
 Present number of bedrooms 2; Bedrooms to be added under this application 0
 When did you purchase the property within Shoreland Zone? 1/2021 (month/year) If after 11/6/18, attach copy of septic system inspection report documenting it is not malfunctioning.

7. Total lot area 2.5 Acres; Lot area within the Shoreland Zone 250x270

8. Square footage of unvegetated surface within shoreland zone including all structures, driveways, parking, walkways and patios. 1,190 sq feet

9. What is the total area of cleared openings of woody vegetation (Sqft) 800

10. Total number of structures on the lots 4. A site plan to-scale MUST accompany this application and be prepared in accordance with the requirements on the attached Instruction Sheet (Item #10 on the Instruction Sheet). All required attachments must accompany this application.

Present Structure Square Footage Cabin #1 418 sq ft. Cabin #2 225 sq ft.
 Proposed Structure Square Footage Add 225 Total 450 sq ft.

*Required only for structures within Shoreland Zone

I/We have obtained and understand the requirements of all Town of Belgrade Ordinance which apply to the proposed construction or change of use. The undersigned applies for a permit to build, alter or improve existing structure(s) or grounds as stated above on this application and portrayed on the attachments. The information provided is true and correct.

Signature: Craig Lefebvre Signature: _____

There may be additional Federal, State or local permits required depending on the nature of the project.

TOWN USE ONLY
 DECISION: _____ APPROVE _____ DISAPPROVED
 Conditions _____

Date: _____ PB _____ CEO _____
 Signatures: _____

Memo

To: Planning Board
From: Gary Fuller, Code Enforcement Officer
Date: 8-19-21
Re: Craig Lefebvre shoreland zoning application

Non-conforming lot

Issues involved in this application include:

- 1) Expansion of a non conforming structure
 - 2)
 - 3)
-

I would encourage you to focus on:

- Beyond 75 the maximum size is 1500 sq. feet most of this structure is outside of the 100 ft. setback.
 -
 -
-

Questions you might want the applicant to address include:

I would recommend you approve/reject this application based on ...

Approve

Proposal for: 9 Homeward Way Belgrade, Me

Proposed Cabin 1

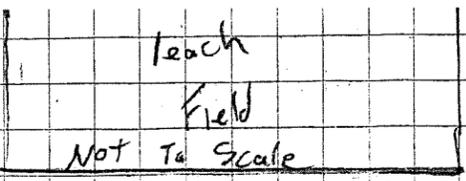
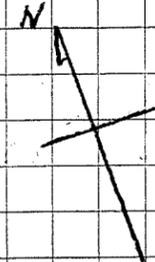
To include raising roof on cabin, adding loft not to exceed 20' max at peak.

Cabin 2

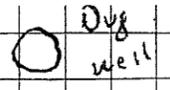
1. Add 10'x22.5' addition, not to exceed 20' max peak
2. Removal of 2- 80' pine trees and 1 -20' maple tree...Trees are partially up rooted and or dying

For Lakeville's
Existing Cooks Beach Cabins
Great Pond

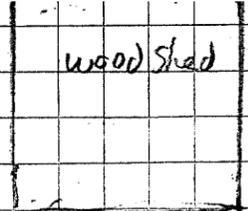
Cabin Scale $\blacksquare = 2'$



Note
Leach Field is 145' from lake



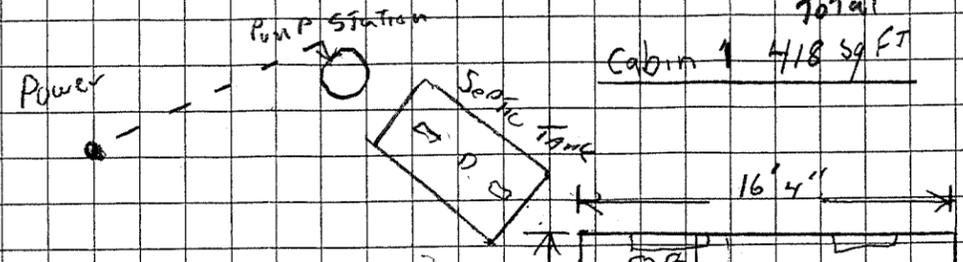
wooded



* 10x10 wood shed
Note no floor 3 walls

wooded

wooded



Total Cabin 1 418 Sq FT

Proposed 10x22.5
Addition
Upper floor Not to
Exceed 20' max At Peak

Proposed
Raise Roof Not to
Exceed 20' max
with 10FV

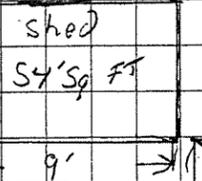
EXISTING
Cabin 2

EXISTING Cabin
Cabin 2 225 Sq'

334 Sq FT

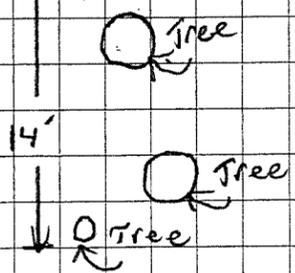
Porch 83.64 Sq FT

EXISTING
Shed



shed 54 Sq FT

Proposed Removal
OFF 3 Trees



wooded

wooded

30'
Lake

Open to Lake

100'
Lake

High water mark

Lake

Great Pond

lake

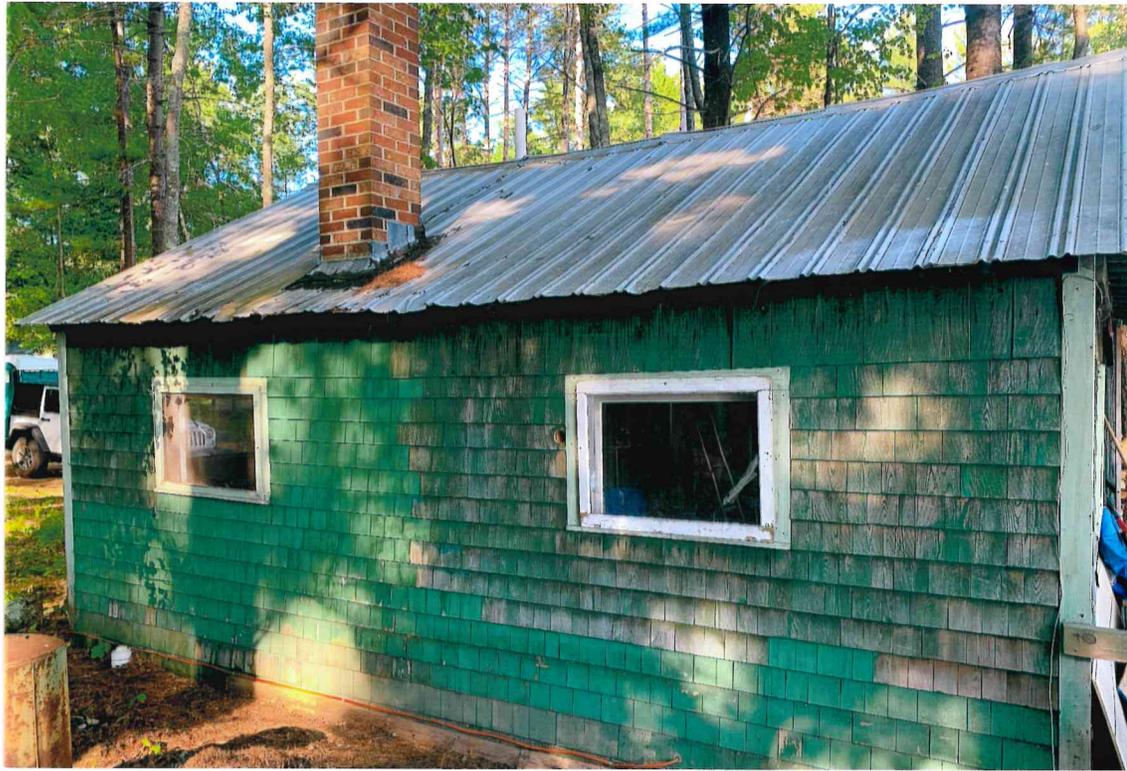
Property Line

Dirt Driveway

Cabin 1



Cabin 1



Cabin 2



Cabin 2



Shoreland
 Certified Contractor
 Number # _____
 Non Shoreland

Town of Belgrade, Maine
APPLICATION FOR PERMIT

990 Augusta Road Belgrade Me 04917
 207-495-2258
 Application # 21-58
 Map# 26 Lot# 36
 Permit# 58

Date Logged 7/6/21 Date Rec'd by PB/CEO 7/5/21 Fee Paid 16.98 Receipt# _____

- Applicant: Name Marshall Builders, Inc Bruce Marshall
 Mailing Addr 117 Axtell Drive
 State/Zip Oakland ME 04463 Phone# 314-5523
- Owner (if other than applicant): Name Berthiaume
 Name John Berthiaume
 Mailing Addr 255 west Wrentham Rd
 State/Zip Rhode Island 02854 Phone# 401-500-5830
- Specific location of property 30 Hulin Road Belgrade Map# 25 Lot# 36
 Name of Lake/Pond/Stream (if applicable) Belgrade Stream Great Pond
- Current use of property (check all that apply)
 Residential/Recreational; _____ Individual Private Campsite; _____ Commercial; _____ Industrial; _____ Other
- Proposed construction or change in use: make current porch 1/2 carry the same roof
pitch 5/12. To allow proper strength for current snow load per code
- Existing sewage disposal system type and capacity: pump tank Engineered septic
 Present number of bedrooms 1; Bedrooms to be added under this application 0
 When did you purchase the property within Shoreland Zone? spring 21 (month/year) If after 11/6/18, attach copy of septic system inspection report documenting it is not malfunctioning.
- Total lot area 8,632 sq ft .5 Acre; Lot area within the Shoreland Zone 3,224 sq ft .07 Acre
- Square footage of unvegetated surface within shoreland zone including all structures, driveways, parking, walkways and patios. 1200 sq ft?
- What is the total area of cleared openings of woody vegetation (Sqft) 8,000 ft
- Total number of structures on the lots 2. A site plan to-scale MUST accompany this application and be prepared in accordance with the requirements on the attached Instruction Sheet (Item #10 on the Instruction Sheet). All required attachments must accompany this application.

Present Structure Square Footage 858 sq ft
 Proposed Structure Square Footage 858 sq ft
 *Required only for structures within Shoreland Zone
 I/We have obtained and understand the requirements of all Town of Belgrade Ordinance which apply to the proposed construction or change of use. The undersigned applies for a permit to build, alter or improve existing structure(s) or grounds as stated above on this application and portrayed on the attachments. The information provided is true and correct.
 Signature: [Signature] Signature: _____

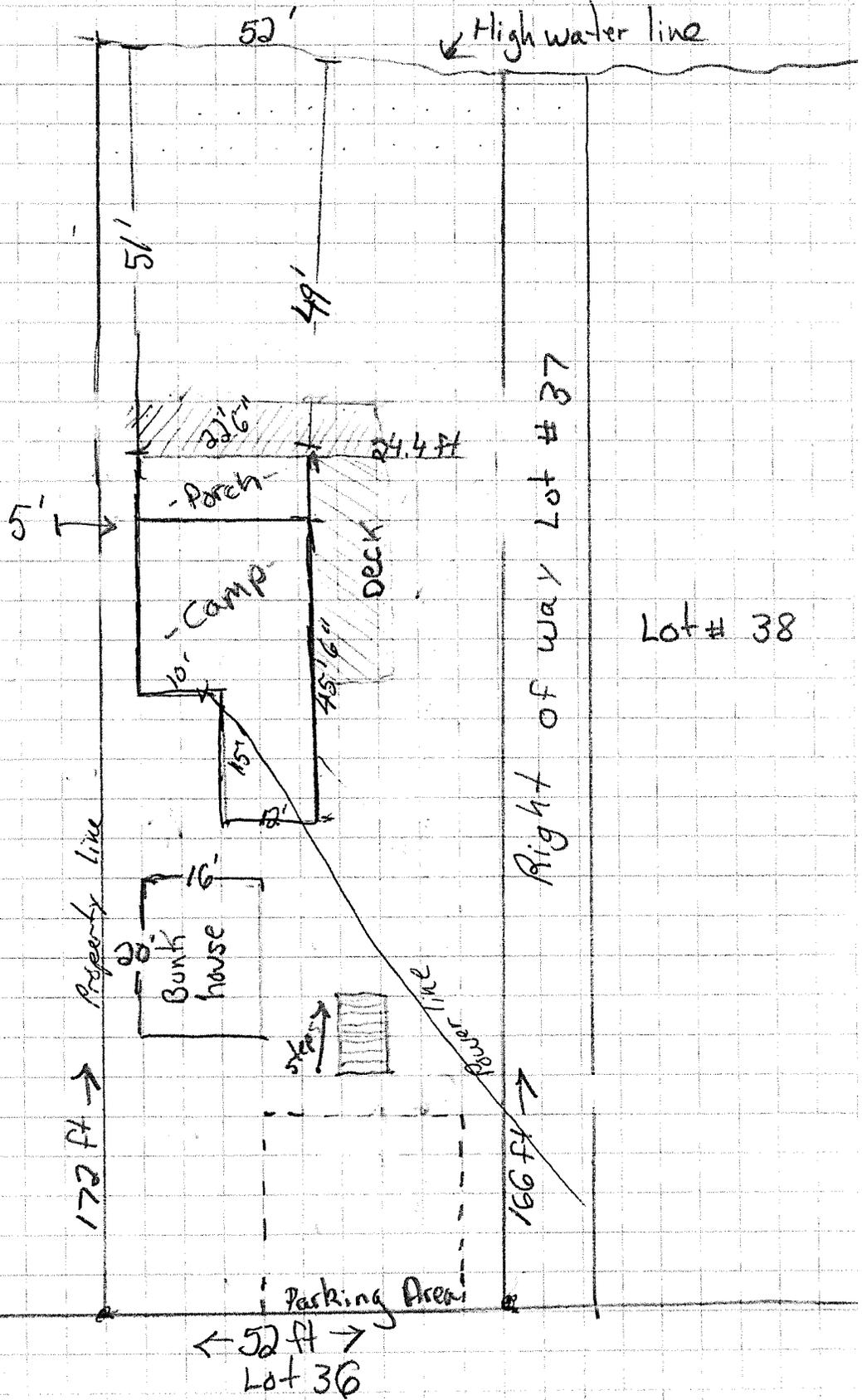
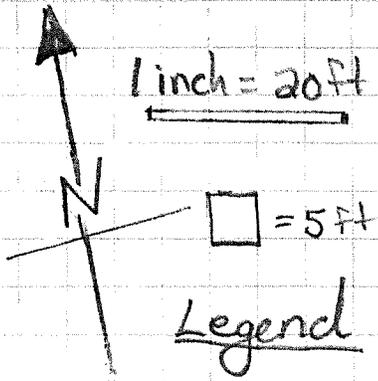
There may be additional Federal, State or local permits required depending on the nature of the project.

TOWN USE ONLY
 DECISION: _____ APPROVE _____ DISAPPROVED
 Conditions _____

Date: _____ PB _____ CEO _____
 Signatures: _____

30 Hulin Rd Site Plan

Great Pond stream

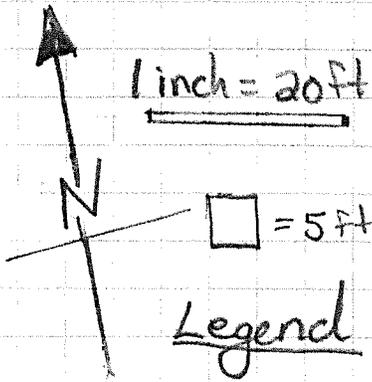


Hulin Road

30 Hulin Rd Erosion Control Plan

Great Pond stream

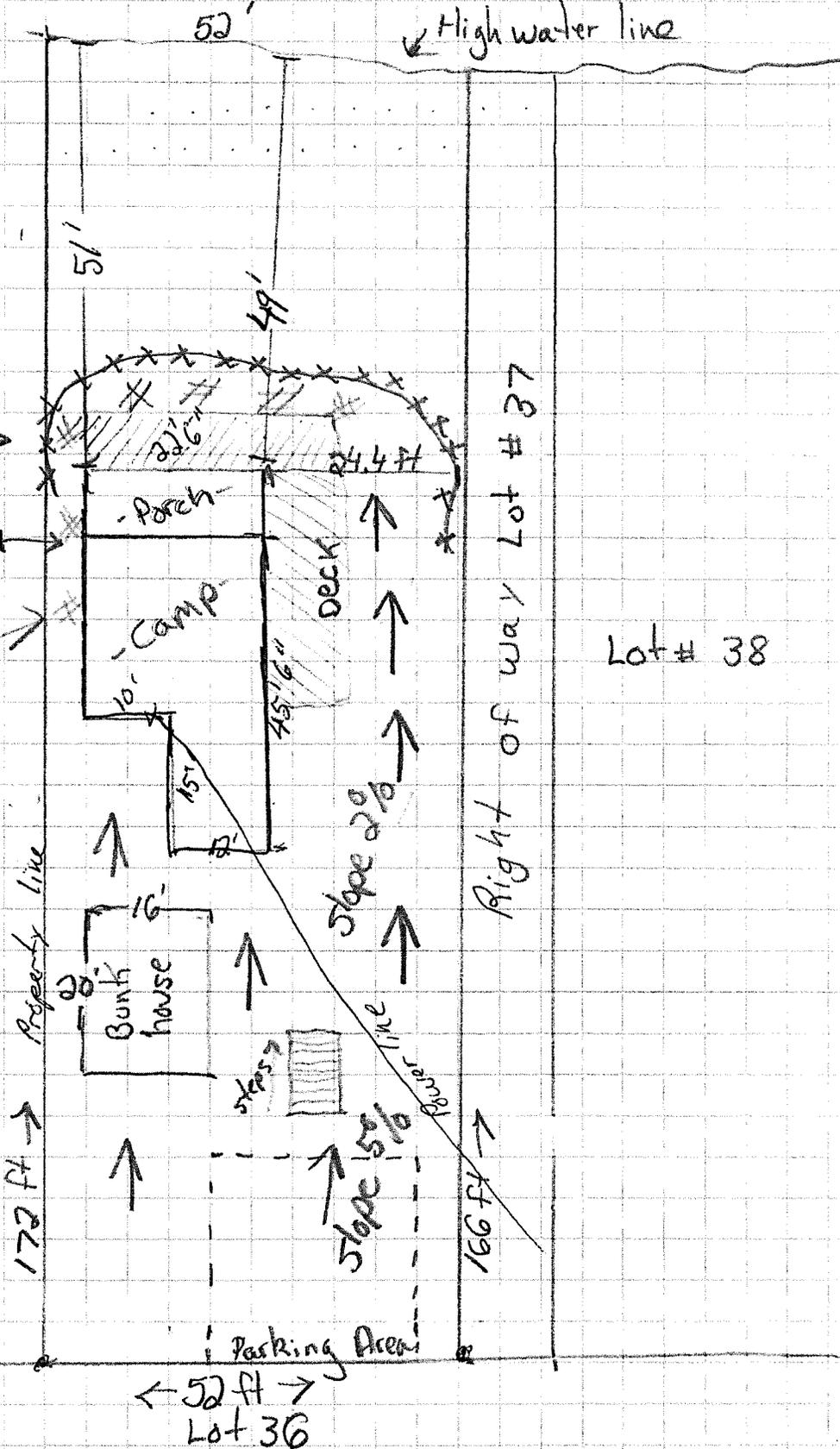
High water line



*** Silt Fence

Hay around disturbed area around camp

Slope of Direction



Hulin Road



Bruce Marshall <marshall.builders18@gmail.com>

Letter of representation

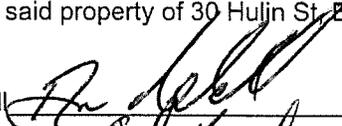
2 messages

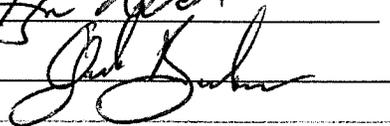
Bruce Marshall <marshall.builders18@gmail.com>
To: Johnjane6367@me.com

Tue, Jun 22, 2021 at 12:22 PM

on the date of 6-16-2021 and here forward:

I John Berthiaune of 255 west Wrentham Road Cumberland Rhode Island , allow Bruce Marshall of Marshall Builders INC. 117 Axtell Drive Oakland ME, to represent my self in conjunction with the permitting through the belgrade planning board with the said property of 30 Hulin St, Belgrade Me.

Bruce Marshall 

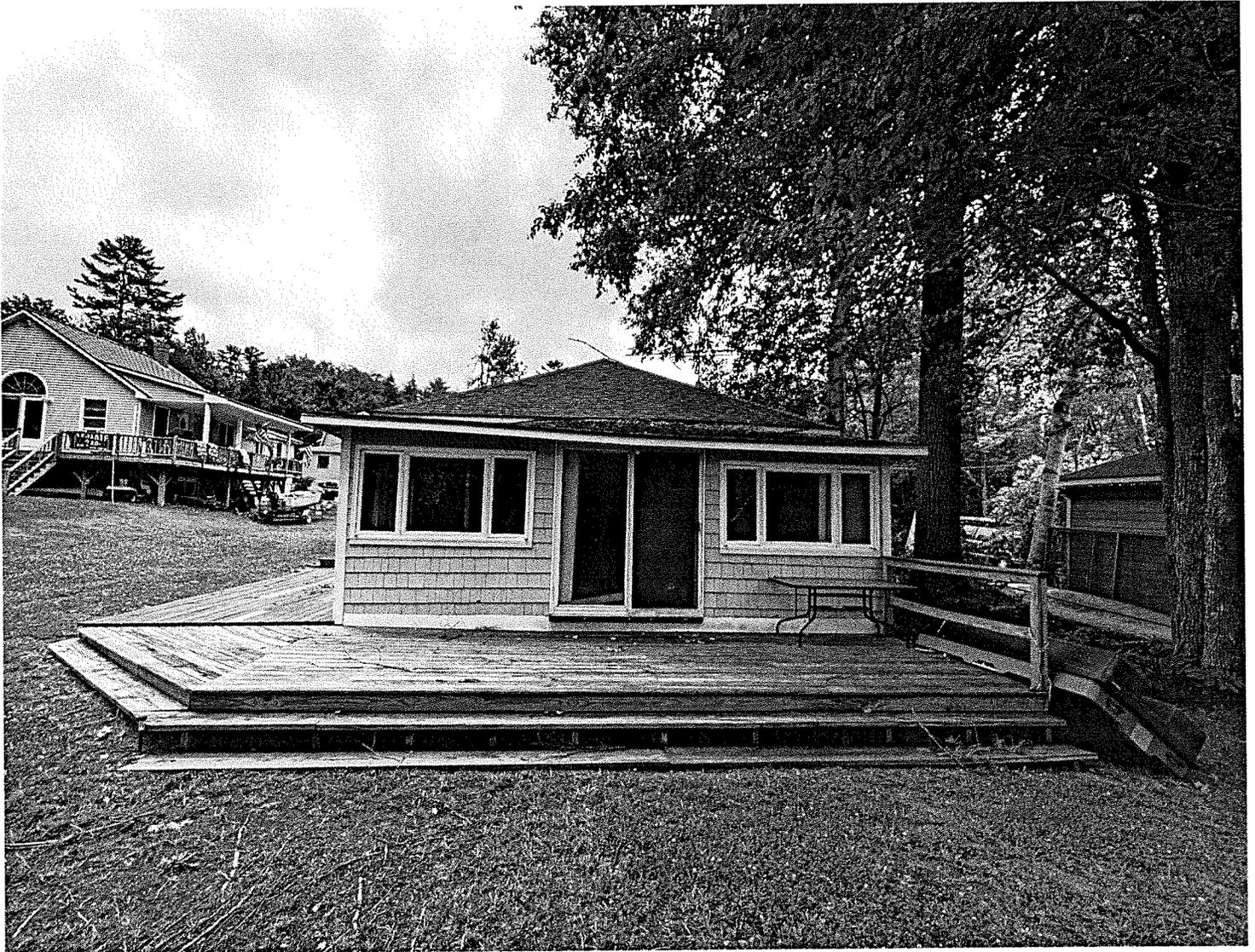
John Berthiaune 

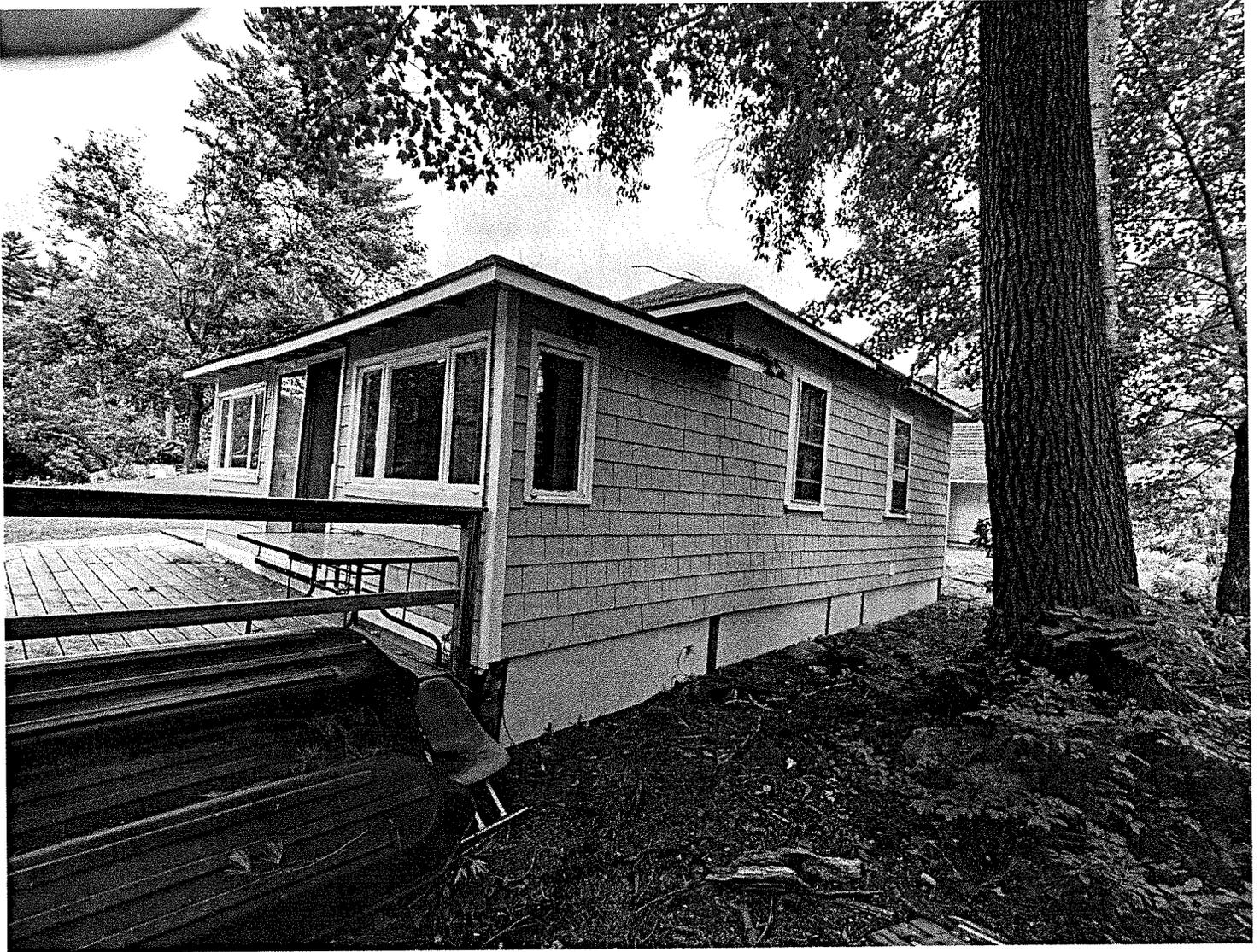
Bruce Marshall <marshall.builders18@gmail.com>
Draft To: Johnjane6367@me.com

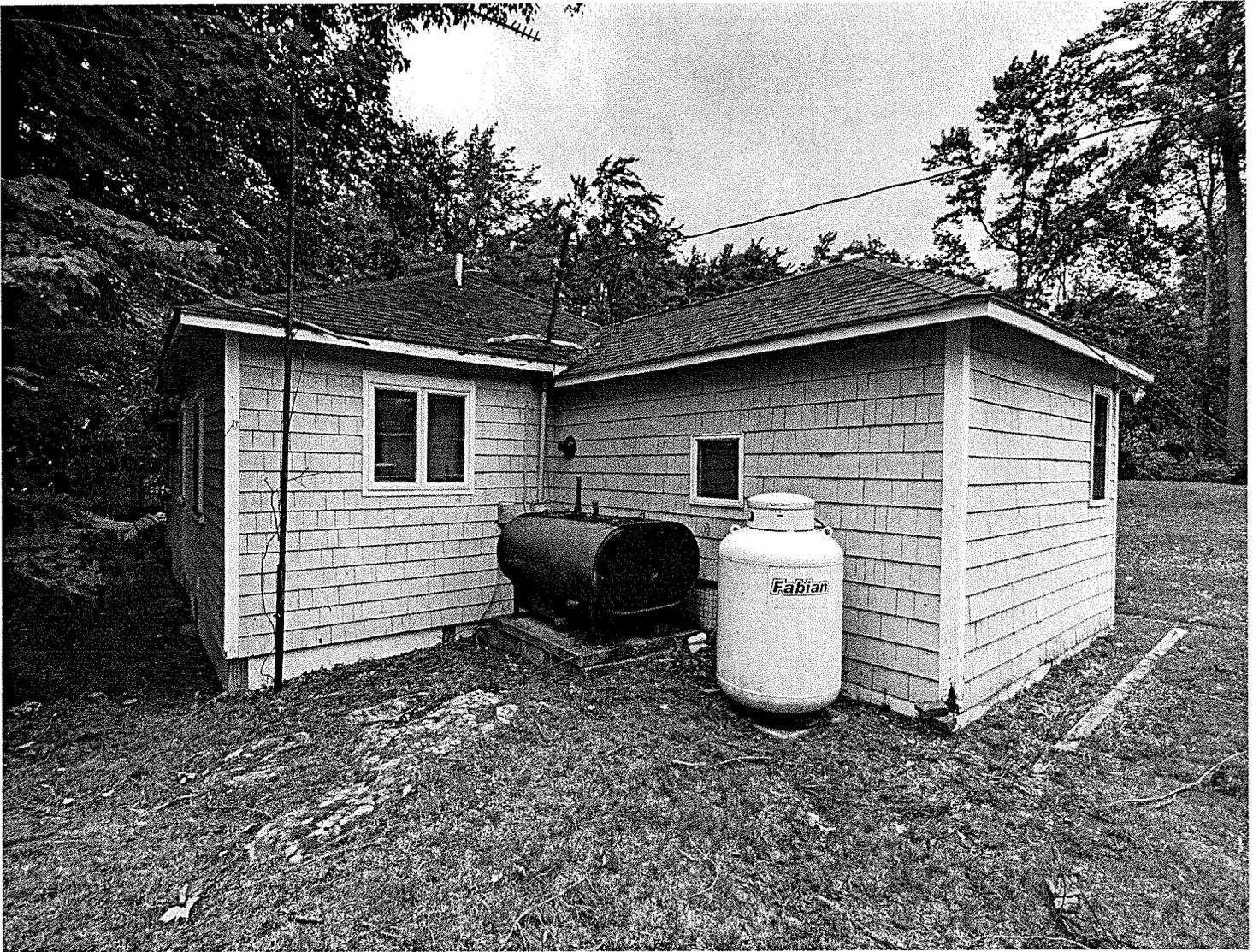
Wed, Jun 30, 2021 at 2:48 PM

[Quoted text hidden]









From: [Anthony Wilson](#)
To: [deputyclerk](#); [Gary Fuller](#)
Cc: [Peter Rushton](#); perushton@roadrunner.com; [George Seel](#)
Subject: FW: CDRO vegetative screening guidance/examples
Date: Friday, June 11, 2021 7:41:09 AM
Attachments: [image001.png](#)
[image002.png](#)

Sheila, let's please put this on the Planning Board's July 1 agenda.

Anthony Wilson

Town Manager
Town of Belgrade

Office: 207-495-2258

Cell: 207-592-6031

Town Office

990 Augusta Road
Belgrade, ME 04917

townofbelgrade.com



From: Peter Rushton <perushton@roadrunner.com>
Sent: Thursday, June 10, 2021 4:31 PM
To: 'George Seel' <georgeseel@outlook.com>; 'Peter Rushton' <perushton@gmail.com>; 'peter.rushton@maine.gov <peter.rushton@maine.gov>' <Peter.Rushton@maine.gov>; Gary Fuller <ceo@townofbelgrade.com>; Anthony Wilson <townmanager@townofbelgrade.com>; deputyclerk <deputyclerk@townofbelgrade.com>
Subject: RE: CDRO vegetative screening guidance/examples

EXTERNAL MESSAGE:

Hi George,

I think it looks fantastic! I like the idea to provide any citizen of Belgrade with a visual tool to help explain a situation. If it can make it easier to understand, then it is worthwhile.

No changes from me.

Let's take the next step and get this on an upcoming agenda so the full board can review it and act upon it.

Thanks,

Peter

From: George Seel <georgeseel@outlook.com>

Sent: Wednesday, June 9, 2021 2:31 PM

To: Peter Rushton <perushton@gmail.com>; Peter Rushton <perushton@roadrunner.com>; peter.rushton@maine.gov <peter.rushton@maine.gov> <Peter.Rushton@maine.gov>; Gary Fuller <ceo@townofbelgrade.com>; Anthony Wilson <townmanager@townofbelgrade.com>; deputyclerk <deputyclerk@townofbelgrade.com>

Subject: CDRO vegetative screening guidance/examples

Peter,

Attached is my first cut on schematics along with accompanying written specs from the ordinance to provide guidance to applicants on what is expected to meet the most common of the CDRO vegetative screening standards. I did electronically in Powerpoint so can more easily be stored and reproduced once finalized vs. the hand drawn earlier version (and less likely lost to time). I added the public ROW as Rich suggested and a version for in the Village Districts as you suggested. I did not receive feedback from any other Board members. Once finalized and approved, maybe someone smarter than I can convert directly to a PDF. In the mean time I scanned to a PDF to allow for those without Powerpoint software to easily open.

Let me know what you think and if you want any changes. Once meets your satisfaction, how do you wish to proceed to bring to the full Board for approval and ultimately including into the CDRO application packet provided applicants? Place on agenda of future meeting?

George

Sent from [Mail](#) for Windows 10

From: [George Seel](#)
To: [Richard Baker](#)
Cc: [Anthony Wilson](#); crgsnbe@yahoo.com; [Gary Fuller](#); perushton@roadrunner.com; [Peter Rushton](#); [Sara Languet](#); [deputyclerk](#); peter.rushton@maine.gov <peter.rushton@maine.gov>; peterfsargent@aol.com
Subject: RE: Sample illustration of required vegetative screening in districts other than village district
Date: Tuesday, June 8, 2021 9:40:36 AM

EXTERNAL MESSAGE:

Rich,

That's a good suggestion to go along with clarifying that the planting requirement in the village districts is different. I suppose one way to do that is to develop a second illustration for the Village districts – wouldn't be much of an illustration but again should make the point that the trees should be planted outside the Town ROW. I could easily do both illustrations if the Board decides this has value as guidance to applicants on how to comply with that requirement in the ordinance.

George

Sent from [Mail](#) for Windows 10

From: [Richard Baker](#)
Sent: Monday, June 7, 2021 8:14 PM
To: [George Seel](#)
Cc: [Anthony Wilson](#); [Craig Alexander](#); [Gary Fuller](#); [Peter Rushton](#); [Peter Rushton](#); [Sara Languet](#); [deputyclerk](#); peter.rushton@maine.gov <peter.rushton@maine.gov>; peterfsargent@aol.com
Subject: Re: Sample illustration of required vegetative screening in districts other than village district

This looks good to me, and should be implemented. My only question is whether the buffer can be planted in the road right-of-way. If not, we should be clear that the buffer must begin outside of the ROW. The applicant may need to ensure that the road officials are ok with what is being done.
Rich

On Mon, Jun 7, 2021 at 5:15 PM George Seel <georgeseel@outlook.com> wrote:

Peter et al.,

Not sure if you recall, but when we were reviewing the application for Kennebec Boat under the Commercial Development Review ordinance, we developed a sample illustration of what the ordinance requires for the planting of vegetative screening between the development and a public road (if not a wooded site or it has been cleared) for those parts of Town not in a Village District (BLV, Depot/Town office area & N. Belgrade). We discussed the attached illustration and decided at the time it would make a good handout to assist applicants understand their obligations under the ordinance and what to include in their application. This was a real challenge with Kennebec Boat which to this day still has not complied with this requirement and condition of their approval. I happened across this while cleaning out some files and realized this probably fell through the cracks and may not be provided to applicants as guidance. I could be wrong.

If indeed we have not been providing to CDRO applicants along with their application materials, should we resume? Since so many of our applications are after-the-fact and require the planting of vegetative screening. If so, I would suggest one edit to clarify that this does not apply to the three village districts where only native trees 4' tall need to be planted every 50' along a public road. Vegetative screens are the only requirement in the ordinance focused at improving the aesthetics of a new development and a token effort at trying to maintain the rural character of town.

George

Sent from [Mail](#) for Windows 10

FIGURE 1
EXAMPLE OF HOW TO MEET REQUIREMENT FOR A PLANTED VEGETATIVE SCREEN
ALONG A PUBLIC ROAD IN RESIDENTIAL & RURAL PORTIONS OF BELGRADE
Belgrade Commercial Development Review Ordinance (Article 5, Sec. 11.A)

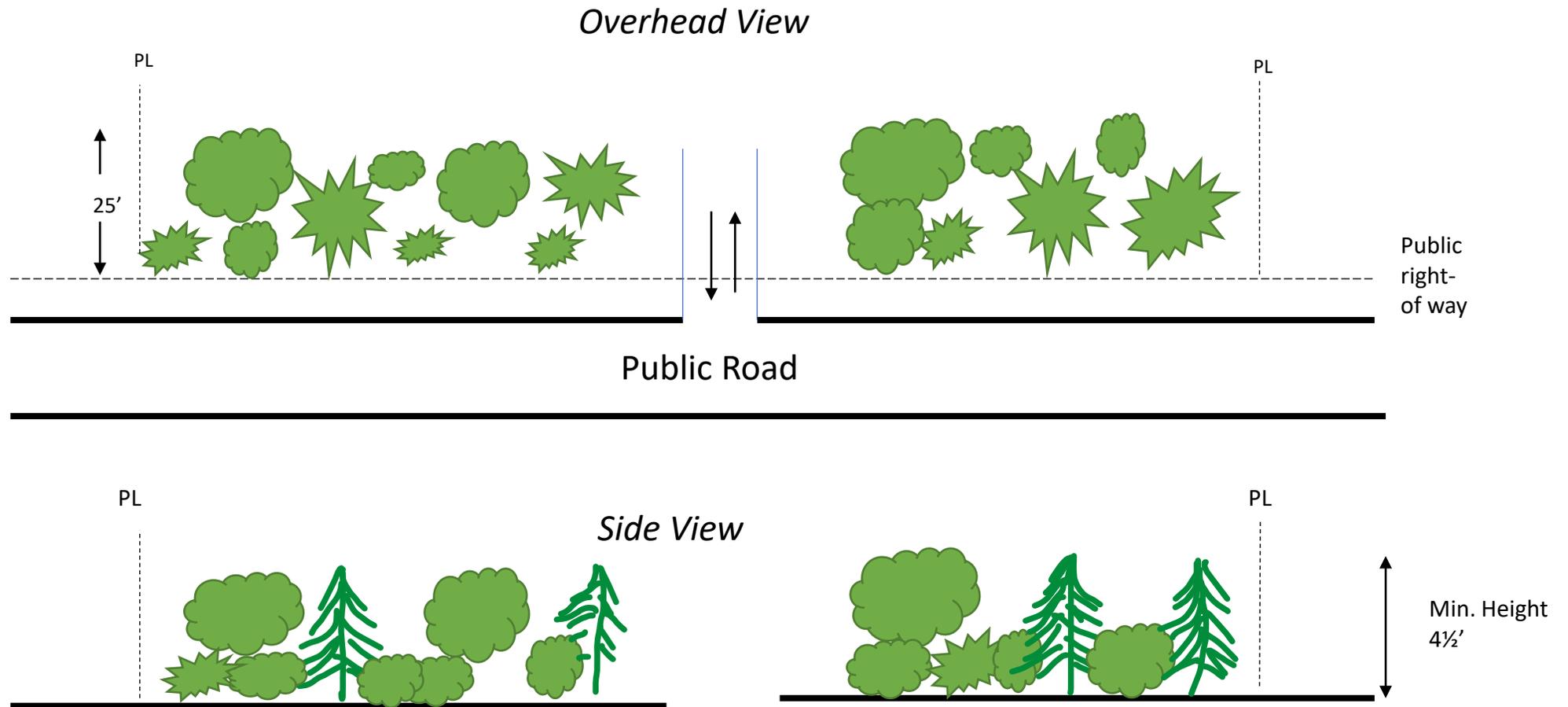
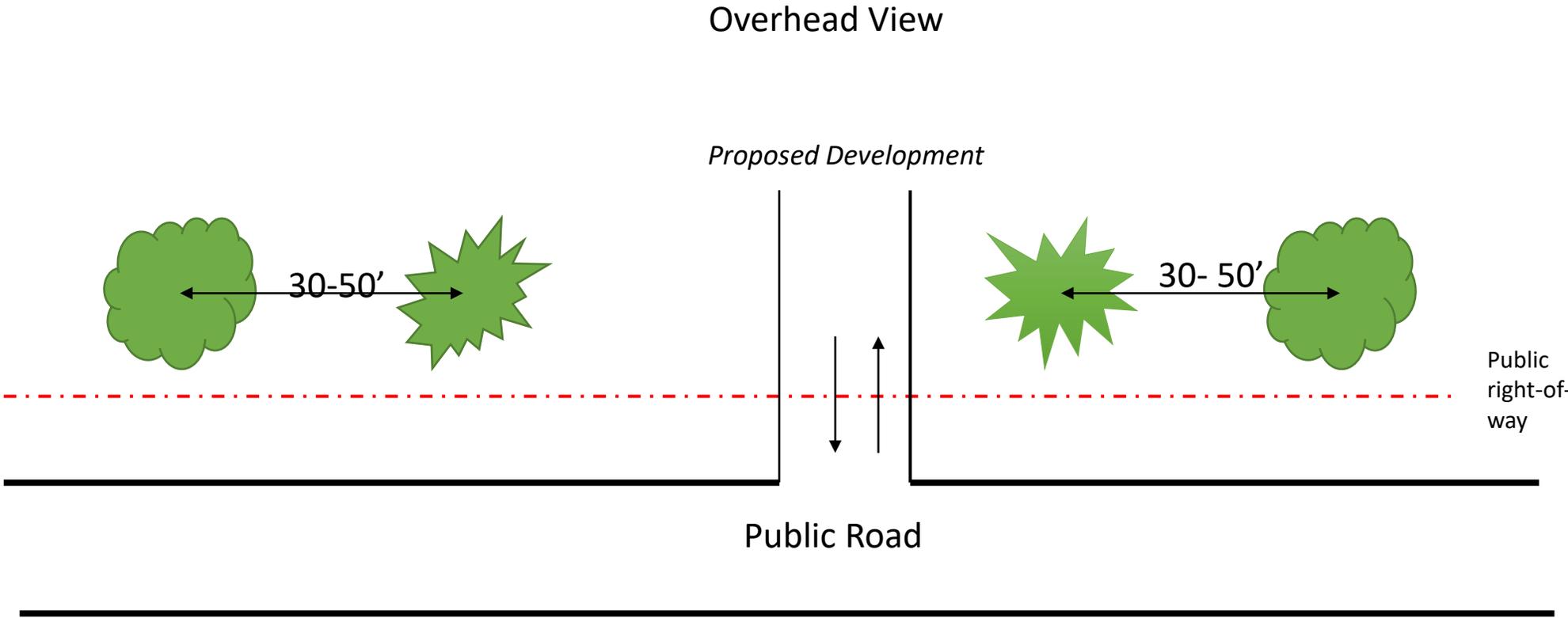


FIGURE 1: Belgrade Commercial Development Review Ordinance Vegetative Screening Along a Public Road in Residential & Rural Areas of Town: Planting & Maintenance Specifications (Article 5, Sec. 11.A)

- Applicable to all parts of town with the exception of the “Village Districts” designated in the 2014 Belgrade Comprehensive Plan land use map
- Existing natural woodland along a public road is to be retained and uncut for a width of 50 ft. from the public road right-a-way; these planting requirements only apply where natural woodland does not exist.
- Purpose to provide natural vegetative screen between the development and the public road, and thereby mitigate the visual impact of the development in primarily rural and residential areas of town.
- Plant only native tree & shrub species
- Trees must be 4 ½ ft. in height at time of planting, spaced no more than 30 ft. apart; must grow to full size (no exotic dwarf trees)
- Shrubs must be a minimum of 2 ft. in height at time of planting and grow to a height of 5 ft. at maturity
- Width of planted vegetative screen is to be 25 ft. from the edge of the public road right-of-way, except for that portion of Rt. 27 from the railroad crossing in Belgrade Depot south to the Sidney town line. There the screening need only be 20 ft. wide. Planting should not occur in right-of-way.
- Plant trees and shrubs in alternating rows in sufficient density to provide a solid vegetative buffer. Shrubs are to be planted to fill gaps between trees.
- Adequate visibility is to be maintained where the development driveway enters the public road to provide a safe line-of-sight.
- Vegetative screening must be fully planted prior to completion of project construction and prior to occupation of structures and use of outdoor operating areas
- Vegetative screen must be maintained over life of the development; dead vegetation is to be replaced

FIGURE 2
EXAMPLE OF HOW TO MEET TREE PLANTING REQUIREMENT ALONG PUBLIC ROADS IN
VILLAGE DISTRICT AS REQUIRED BY COMMERCIAL DEVELOPMENT REVIEW ORDINANCE
(Article 5, Sec. 11.C)



Planting & maintenance specifications on opposite side

Figure 2: Belgrade Commercial Development Review Ordinance Tree Planting & Maintenance Specifications for Village Districts (Article 5, Sec. 11 C)

- Applies only to “Village Districts” as identified in the Town of Belgrade 2014 Comprehensive Plan’s land use map
- Only applies when no existing full size trees exist; if full size trees exist, sufficient trees are to be retained to maintain a spacing of 30-50 feet apart
- Trees to be planted are to be native conifers or deciduous trees
- Planted trees are to be placed 30-50 feet apart along entire public road frontage while allowing adequate visibility at project’s driveway entrance onto the Town or MDOT roadway
- Trees are not to be planted in the right-of-way of the public road
- At planting, trees shall be a minimum of 6’ in height
- Plantings that fail must be replaced
- As trees die over time, they are to be replaced

**Town of Belgrade
Planning Board
June 22, 2021 / 5 p.m.**

SITE VISIT: Cedar Mill Ridge Subdivision Map 6 Lot 16B

MINUTES

Present: Planning Board Members Peter Rushton, Rich Baker, Sara Languet, Tyler Evans (from Evans Development, LLC), Nate Veilleux and Jeff Allen.

Subdivision location (presently with 11 lots --10 lots plus an existing one --so a 'mayor' Subdivision with opportunity to expand) of the Dunn Road (Map 6 Lot 16B) in Belgrade -- which original application came up to the Belgrade Planning Board on 10/01/2020.

NOTES:

(A) We were supplied with a hardcopy of "preliminary" drawing-C0.1 with lot's divisions (also included in our June 17 ,2021 Planning Board packet) and clear topography. The final drawing will be forwarded towards the middle of August 2021-- that is when Evans Development anticipates that they will be ready to go back to the Belgrade Planning Board.

(B) They also expect to close their case in front of the Planning Board and favorably obtain approval before the November election vote when our new "subdivision ordinance" will take place. So, the expectation here is that this particular subdivision application will run under the old rules (sort of speak grandfathered under the previous rules). As the revisions of the new Belgrade Subdivision Ordinance is still in progress, presently the Belgrade Planning Board members in attendance at the site did not foresee any difference in the subdivision ordinances (old and new) that will affect (beneficially nor detrimentally) this Cedar Mill Ridge Subdivision application.

(C) We walked through the clear cut area where the subdivision proposed road will eventually be permanently established. Lots of huge boulders were removed to clear the path for the main road of the subdivision. Thru the inspection of the site, it was mentioned that:

- 1) DEP Stormwater Permit is all underway (or possibly completed!)
- 2) The "preliminary" drawing presented contained area lots that are legal and in accordance with the Belgrade present Subdivision and Minimum Lot Size Ordinance per AE Hodsdon.
- 3) With the Transfer Station (TS) on the other side of the road and with TS being at a lower elevation with storm water running opposite of and away from the Cedar Mill Ridge Subdivision, there is not concern of 'leaching' from the Transfer Station site to their location.

4) Soil maps (testing needed?) for septic placement still needs to happen.

5) Mr. Baker, Mr. Evans and Mr. Veilleux went on to inspect the water "steamline" in the property confirming what is in the drawing per Mr. Baker's report (together in the below email).

(D) The present clear cutting and dirty "road" reflects and matches the road depicted in the supplied "preliminary" drawing-C0.1

(E) Additional Jeff Allen will summarize notes and history (capturing their progress since October of 2020) of the Cedar Mill Ridge Subdivision development this far and in a written report and such report will be forwarded to the Planning Board for review and approval.

Motion by ** to adjourn the meeting. 2nd by **. Meeting adjourned at **time.

DRAFT

**Town of Belgrade
Planning Board
July 15, 2021 / 6:00 p.m.**

This meeting was conducted online via Zoom. A recording of the meeting can be viewed at:

https://youtu.be/Ofwb7R-_glM

MINUTES

Call to Order-meeting called to order at 6:05pm by Chairman, Peter Rushton.

Present: Planning Board members Peter Rushton, George Seel, Craig Alexander, Sara languet, Pete Sargent, Planning Board Secretary Julie Morrison, Code Enforcement Office Gary Fuller, Sheila Thorne, Susan Poliacik, Karen Rancourt, Jim Coffin, Dwight Allison

1. NEW BUSINESS

A. SHORELAND APPLICATION –

Applicant/Owner: Susan Poliacik

Location: 75 Lakeshore Drive (Long Pond), Map 24 Lot 19

Purpose: Add screened porch and roof to existing deck (conforming structure) on a non-conforming lot. ***The findings of fact were completed. A motion to approve application as written with a condition to adhere to DEP best stormwater management practices made by George Seel and 2nd by Craig Alexander. Vote to approve 5-0***

B. COMMERCIAL DEVELOPMENT –

Applicants/Owners: Gagne & Son Holding Co., Inc.

Location: 28 Old Route 27 : Map 4 Lot 37

Purpose: New commercial use. Proposing to erect a new one-story 14,540 sf pre-cast plant. The pre-cast plant will manufacture catch basins, manholes, etc. Proposed name: Gagne & Son Precast Plant

The Members of the Planning Board reviewed the checklist to decide if the application was complete. The following was listed as needed: The State Fire Marshall permit regarding the large propane tank, Minor change to the site plan scale error and dumpster location, DEP certified contractor name and number, A short letter explaining the driveway access, Estimated quantity of Hazardous substance, Phosphorus (possible waiver request). George motioned and Sara 2nd application is complete with highlighted provided, move to public hearing, and notify landowners withing 500 feet and placed on the August 5, 2021, meeting. 5-0

C. COMMERCIAL PERMITTING –

Discussion of potential commercial permitting of food trucks. ***After much discussion, it was decided that The Town of Belgrade does not need an Ordinance for food trucks.***

A walk on item regarding the timeline for getting the Minor/Major subdivision ordinance to the voters was discussed. The CEO, Gary Fuller is going the check with Town Clerk, Mary Vogel to get the timeline dates.

3. OTHER BUSINESS

A. Consideration of meeting minutes from July 1, 2021. *The minutes from July 1, 2021, meeting was tabled so the Planning Board Secretary could rewatch the meeting and clarify a decision,*

ADJOURN – Meeting adjourned at 9:00 pm.

DRAFT

**Town of Belgrade
Planning Board
August 5, 2021 / 6:00 p.m.**

This meeting was conducted in person and online via Zoom. A recording of the meeting can be viewed at

<https://youtu.be/3bAgbOwBIGY>

MINUTES

Present: Planning Board Members Chairman Peter Rushton, George Seel, Craig Alexander, Sara Languet, Pete Sargent, Rich Baker (alt.), CEO Gary Fuller, Planning Board Secretary Julie Morrison, KVCOG planner Charles Tetelman, Dwight Allison, Jim Coffin, William Mitchell, Al Hodsdon, James Nichols and Nick Nichols.

Call to Order- meeting called to order by Chairman, Peter Rushton

1. OLD BUSINESS

A. PUBLIC HEARING : COMMERCIAL DEVELOPMENT –

Applicants/Owners: Gagne & Son Concrete Block LLC

Location: 28 Old Route 27 : Map 4 Lot 37

Purpose: New commercial use. Proposing to erect a new one-story 14,540 sf pre-cast plant. The pre-cast plant will manufacture catch basins, manholes, etc.

Proposed name: Gagne & Son Precast Plant

**No abutters to contact for this application

Motion that the checklist is complete by Pete Sargent and 2nd by Sara Languet. 5-0

A motion to approve the Phosphorus waiver by George Seel and 2nd by Craig Alexander. 5-0 Waiver approved.

The findings of facts were completed. Motion by George Seel and 2nd by Sara Languet to approve the application with the following condition:

Name and number of DEP certified Contractor to be provided to the Belgrade Code Enforcement officer prior to the start of project. 5-0 Application Approved.

2. NEW BUSINESS

A. SHORELAND APPLICATION –

Applicant/Owner: William Mitchell

Location: 142 Main St (Long Pond), Map 26 Lot 4

Purpose: Reinforce foundation, pour slab, replace existing deck with enclosed room (non-conforming structure on a non-conforming lot).

The Findings of facts were completed. Planning Board approved the application with the following conditions: Supply the DEP Certified Contractor number to the Code Enforcement Officer prior to construction, DEP Best Storm water practices followed and Picture after estimated vegetation buffer in accordance with Sec. 15 B6 of Land Use Standards Ordinance between proposed retaining wall and normal high-water mark to be given to Code Enforcement Officer upon completion of the construction. Application approved 5-0.

3. OLD BUSINESS

- A. Continued review of Town's **Subdivision Ordinance** with KVCOG planner Charles Tetelman.
The Subdivision Ordinance is going to the Selectboard on August 17, 2021. Peter Rushton and Charles Tetelman will be attending the August 17th meeting. The plan is to bring the Ordinance before the voters in March 2022 rather than November 2021.
- B. Discuss **Commercial Development** vegetative screening standards.
George Seel's information regarding the Vegetative screening standards will be given to all planning board members and will be reviewed at the next planning board meeting.

Motion to adjourn by Sara Languet and 2nd by Pete Sargent before approving the minutes listed under 3. Old Business. All in Favor 5-0

3. OTHER BUSINESS

- A. Consideration of **meeting minutes** from June 22, 2021 and July 15, 2021.