Shoreland Zoning & Site Plan Review Tier II Application U03-026, 50 River Road ATDT, LLC



Town of Bowdoinham

13 School St • Bowdoinham, ME 04008 Phone 666-5531 • Fax 666-5532 www.bowdoinham.com

PLANNING BOARD APPLICATION

Type of Application:	☐ Shoreland Zoning ☐ Site Plan Review – ☐ Tier II ☐ Tier II	
	☐ Land Use ☐ Subdivision — ☐ Minor ☐ Major	
Applicant Information		
Name:	Doug TourteLotte DOB ATDI LL	
Mailing Address:	39 AborgadasseII Rd B-hau	
Telephone:	207-729-2445	
Right, Title, Interest in	_ / _ /	
(appropriate documenta	tion must be provided)	
Owner Information:	Same as Above	
Name:	/ C	
Mailing Address:		
Telephone:		
Agent Information:		
Name:		
Mailing Address:		
Telephone:	ineer Other:	
Property Information:		
Map/Lot Number:	W-3 26	
Property Address:	30 River Rd	
Lot Size: / A	cre Lot Frontage: 200	
Existing Lot Coverage	Proposed Lot Coverage:	
Water Service: 🔀 Pul	olic Private Road Ownership: State Town Private	
Floodplain: 🔀 No	Yes Shoreland Zoning: No X Yes:	
Tax Program: 🕅 No	Agriculture Open Space Tree Growth	

TOWN OF BOWDOINHAM
PLANNING BOARD APPLICATION
Page 2 of 2

Project Description:	
TO MOVE GRAS PUMPS TO LOT From	ł
INSTALL New 9000 GAL. Prove grown TA,	IK.
Attachments (the following items are required):	
Site Plan Photographs of Site Application Fee Supporting Documents as required per Land Use Ordinance	
By signing this application, as the foresaid applicant:	
 I certify that I have read and completely understand the application; I certify that the information contained in this application and it's attachments are true and correct; I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record; I understand that copies of this information may be supplied upon request to an interested party; I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review; I understand that it is my responsibility to know and pay for any tax penalty that may result from said project; I understand that the information contained in this application is background information and some applications may require additional tests, maps, documentation or submissions as required by the Planning Board. 	
Print Name To Unte Lotte	
FOR OFFICE USE ONLY 8-3-2023 FUR. \$550 - 4500	econow
Received On: 8-3-2023 Fee Paid: 550 +500	
M Oane 8-8-2023	
Signed Date	

Narrative

I believe that moving existing dispenser with new state of the art tank, and new pumps is a much safer place than the existing property. The new location is a gravel parking lot and has been used as such for as long as I can remember. There has never been an erosion problem in that parking lot for the last 50 years that I'm aware of. The water runs off to the south, west and to the north. The new development will not change the elevation of the parking lot at all.

In my opinion this is the most reasonable spot in town to be able to have gas sales ,other than next to highway which moves it out of downtown.

It seems to me that this should be a relatively simple process. It is much safer than having a 27 year old 12,000 gallon tank within 10 feet of the river and 12 feet underground.

Because of planning board, taking 18 months to put the needed amendment for that parcel on the town Warrant the cost has now gone from \$142,000-\$258,000 and interest rates have doubled. This is why I'm trying to put this application together myself without using engineers and surveyors. The estimate that I got to survey and engineer the site for this was \$50,000. It is definitely not in the budget and there's not enough money in gas sales to make that work.

I don't expect this project will increase my fuel sales, and therefore there will be no increase in traffic.

In the town ordinance, I'm supposed to have a 50 foot pervious buffer from the property lines as I said, I do not have the room to provide that but I can have 25 feet which will be grass along the east and west sides. I would like to use the existing entrance on the west side between telephone pole and guard rails. I will not have 25 feet setback from water for about 30 feet, but this entrance has been in use for years and hopefully that would grandfather grandfather it.

Narrative

Fees paid

Town of Rowdoinham --- Receipt

the MERRINE the

4725-1 08/08/23 11:44 PM ID:IMC PHOLINE REF---TAE----**Doug Tourtelotte 550.00

u03-026 PLANNING

00

Total: 550.00

Paid By: Doug Tourtelotte

Permaining Belance: 0.00

Signature

Thank you!

563.75

Credit/: 550.00

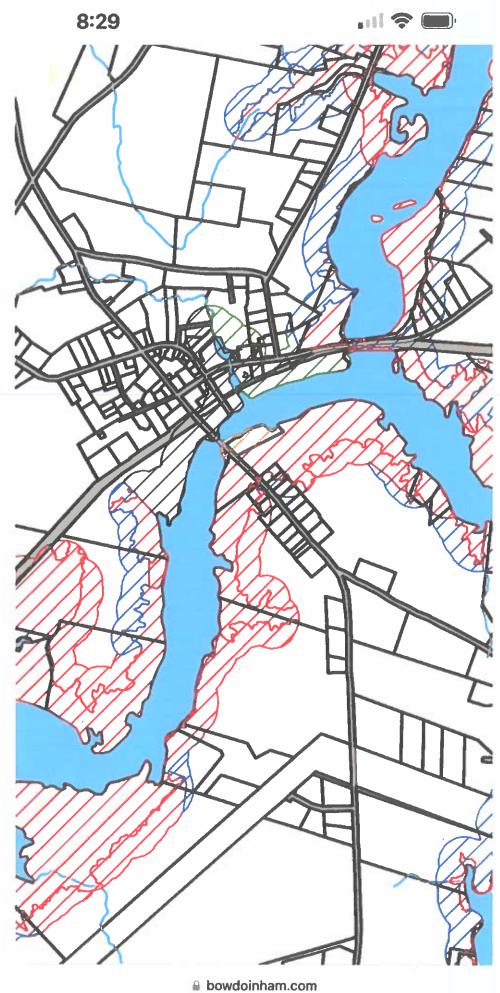
VISA -

13.75 Portal Charge

List of abutters

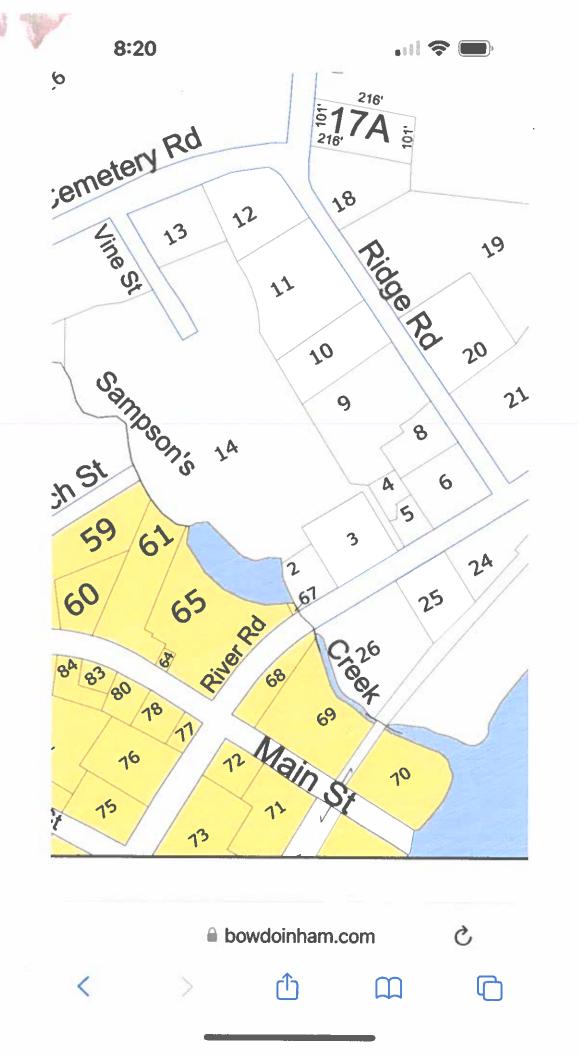
MAP LOT	NAME	NAME1	ADDRESS	TOWN STATE ZIP	LOCATION
U03-003		BOWDOINHAMCOUNTRY STORE, LLC	P.O. BOX 169	BOWDOINHAM, ME 04008	54 RIVER ROAD
U03-025		HILL, SUSAN	20 MAIN STREET	20 MAIN STREET BOWDOINHAM, ME 04008	59 RIVER ROAD
U01-068		VILLAGE LODGE MASONS #26	P.O. BOX 265	BOWDOINHAM, ME 04008	13 MAIN STREET
U01-069		FHC, INC	1201 MAIN STREE	1201 MAIN STREE BOWDOIN, ME 04287	9 MAIN STREET

Regional Maps





Tax map



Deed & TRI

Street, Bowdoinham, MF 04008, for consideration paid grant(s) to ATDT LLC, a Maine Limited Liability Company, of 369 Millay Road, Bowdoinham, MF 04008, as joint tenants with rights of PAGES. 2 KNOW ALL MEN BY THESE PRESENT: That Goorge Gliba of 2041 Main survivorship, with WARRANTY COVENANTS:

Bowdoinham in the County of Sagadahoc and State of Maine and being bounded and described as follows:

PARCEL I: Survivorship, with WARRANTY COVENANTS:

[No certain lots or parcels of land, together with any buildings thereon, being situated in

A certain lot or parcel of land, together with any buildings thereon, being situated in Bowdoinham Village in the County of Sagadahoc and State of Maine and being bounded and described as follows:

south by Bridge Street, so-called: on the West by property formerly owned by Frank Varney and On the north and east by a Creck tributary of the Cathance River, near the said village; on the now owned by parties unknown.

PARCEL 11:

Privacy - Terms

UNANIMOUS WRITTEN CONSENT OF ORGANIZER AND MEMBERS OF ATDT, LLC

Pursuant to the Maine Limited Liability Act, contained in 31 M.R.S.A. §1501 et seq., the undersigned, being the sole organizer, and the Members of ATDT, LLC (hereinafter referred to as "Company") hereby waive formal notice, calling and holding of the organizational meeting of the organizer and, in lieu thereof, consents to, approves, adopts and ratifies the following acts and resolutions:

- 1. The Members accept, ratify and approve in all respects the Certificate of Formation filed with the Secretary of State for the State of Maine on June 7, 2017.
- 2. The attorney for the Company submitted a proposed Operating Agreement. The Members have reviewed the Operating Agreement and unanimously agree to accept it as the official Operating Agreement for the management of the affairs of Company. The Operating Agreement shall be signed by its Members, Douglas Tourtelotte and Ann Tourtelotte, and filed with the other organizational documents of Company.
- 3. Pursuant to the Certificate of Formation and the Operating Agreement, the parties unanimously agree that Douglas Tourtelotte and Ann Tourtelotte shall be Members of Company. The Members shall manage the operation and affairs of Company.
- 4. The Members unanimously appoint and confirm Stoddard L. Smith as the Company's registered agent, with an office at 49 Pleasant Street, Brunswick, Maine 04011.
- 5. The persons whose names appear below were appointed officers of the Company to serve for a period of one year and until their successors are appointed or elected and shall qualify:

President: Ann Tourtelotte

Vice President: Douglas Tourtelotte

Treasurer: Ann Tourtelotte Secretary: Douglas Tourtelotte

6. The record book, containing a copy of the Certificate of Formation, the Operating Agreement approved under this unanimous consent, and the Schedule of Interests and Transfer Ledger of the Company ("Ledger) is hereby approved and adopted. Membership interests shall be reflected on the Ledger. All transfers of membership interest shall be effected by a written assignment. The Company shall update the Ledger upon any transfer of membership interest. The registered agent is authorized to authenticate the record book and to retain custody of it. This Written Consent of Organizer and Members, together with any future minutes or written consent forms shall be included within the record book.

7. For consideration received, the registered agent is authorized to transfer membership interests in the Company to the following individuals in the percentage indicated under the Operating Agreement:

MemberOwnership InterestDouglas Tourtelotte49%Ann Tourtelotte51%

The registered agent is authorized to record membership interests in the Ledger.

- 8. The Company shall be treated as an S corporation for income tax purposes and the Members shall take all action necessary or desirable to comply with all of the requirements of the Internal Revenue Service for making such election. The Company shall elect S Corporation status with the Internal Revenue Service and the Members shall be authorized to sign Form 2553 on behalf of the Company. The registered agent is authorized to file Form 2553 with the Internal Revenue Service on behalf of the Company.
- 9. The Members are authorized to pay all charges and expenses incident to or arising out of the organization of this Company, and to reimburse any Member who has made disbursements therefore. The Members ratify and confirm all the acts of the organizer in setting up the organization of this Company.
- 10. The Members are hereby authorized to open a bank account in the name of the Company at Androscoggin Savings Bank in Brunswick, Maine. The Members are authorized to write checks, make transfers, withdrawals, or disbursements on behalf of the Company. Each bank in which an LLC account is maintained is relieved of any responsibility to inquire into a Member's authority to deal with such funds, and is absolved of all liability with respect to withdrawals from such LLC accounts by any person duly authorized by the Members.
- 11. The Members are individually authorized and directed to obtain any necessary licenses, tax permits or such other authorizations as may be required for the conduct of business in any state or country in which the Company shall do business. For purposes of authorizing the Company to do business in a state, territory, or dependency of the United States, or any foreign country in which it is necessary or expedient to transact business, sole member is hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate the location of all necessary statutory office and, under the company seal, to make and file all necessary certificates, reports, powers of attorney and any other instruments or written documentation which may be required by the laws of such state, territory, dependency or foreign country to authorize the transaction of business therein.
- 12. The Members agree that the fiscal year shall end on December 31, subject to change as appropriate at the direction of the Members by resolution.

13. The undersigned parties hereby ratify and confirm all the acts of the organizer to the date of this written consent and agree to release, hold harmless and indemnify the organizer for any such acts.

The Members hereby confirm that this unanimous consent form shall be filed with the registered agent of the company and placed in the Company's record book. This unanimous consent form shall have the same effect as a unanimous vote of the organizer and Members of this Company at an organizational meeting called, by formal notice, and may be stated as such in any certificate or document required or permitted to be filed with the Secretary of State and prepare or certified by any member of the company for any purpose.

Dated this 22nd day of June, 2017.

Douglas Tourtelotte, Member

Ann Tourtelotte, Member

Stoddard L. Smith,

Organizer/Registered Agent

Project costs

Total cost of project

Portland pump company (installing tank and dispenser). \$212,000

Excavation \$23,000

Building \$10,000

Running power \$8500

Paving \$28,000

Total. \$258,500

To:

Doug Tourtelotte

Bowdoinham Gas & Diesel

50 River Road

Bowdoinham, Me 04008

From:

Rik Jordan Ryan Hanson Stephen Redmond

Portland Pump Company

Location:

50 River Road

Bowdoinham, Mc 04008

Project Summary:

Work with to remove customer 12K. Install (1)-9K FIREGUARD aboveground two compartment tank split 6/3, piping, (1)-13.5'x24'x12" concrete tank pad (1)-24'x24'x6" dispenser pad, (4)-4" Island bollards with covers. Customer to supply collision protection around the tank area. (1)-Existing dispenser and (1)-Existing fire suppression system. Customer supplied service and breaker

panel. See below for detailed scope.

Proposal Total:

\$ 212,488

Portland Pump Company (PPC) is pleased to submit this proposal subject to the terms, conditions and exclusions noted. The scope is to furnish (unless noted) and install the equipment listed and to provide the following services:

Section

Description

1. Permits:

- a. Application for the Maine DEP Underground Fuel Tank Removal Permit by PPC.
- a. Application for the Maine State Five Marshal Aboveground Tank Project Permit by PPC.
- b. Application for local city/town permits by Owner.
- c. DigSafe and Ok-to-Dig permits by Owner.
- 2. Site Preparation:
- a. Remove (1)-existing island dispenser and set aside.
- b. Remove (1)-existing island fire suppression, emergency phone and emergency stop and set aside.
- c. Remove (1) Verifone system and set aside.
- 3. Tank Removal:
- a. Work with Owner and supply CTI on proper removal of (1)-12K underground tank.
- b. Owner responsible for all excavation, additional labor for removal, tracking, aggregates, disposal of underground tank, concrete dispenser island, dispenser pad, tank pad, product piping, vent piping.
- c. Provide UST Environmental Site Assessment Report.
- d. Provide tank cleaning. Liquid disposal cost plus 15%.
- d. Owner to supply backfill material and backfill to grade.
- 4. Tank System:
- (1)-9,000 gallon 8' diameter doublewall UL 2085 aboveground tank split 6//3.
 - a. 8'6" diameter x 24'7" in length.
 - b. The exterior coating is Fireguard white.
 - c. (2)-seal welded saddles.
 - d. All necessary decals.
 - e.
- Crane:
- Supply crane for off-loading of tank.

Financial capacity



August 3, 2023

Doug Tourtelotte 39 Abbagaddassett RD Bowdoinham, ME 04008

Re: Letter of Financial Capacity

Whom It May Concern

We have had the pleasure of working with Doug Tourtelotte since 2006. We recently conducted our annual review of the financials and relationship and are pleased to report that he has the financial capacity to fund and support the planned construction project in Bowdoinham.

If you should need further information or clarification, please feel free to contact me at (207) 740-8824.

Sincerely,

Melissa Knutson

SVP, Commercial Loan Officer

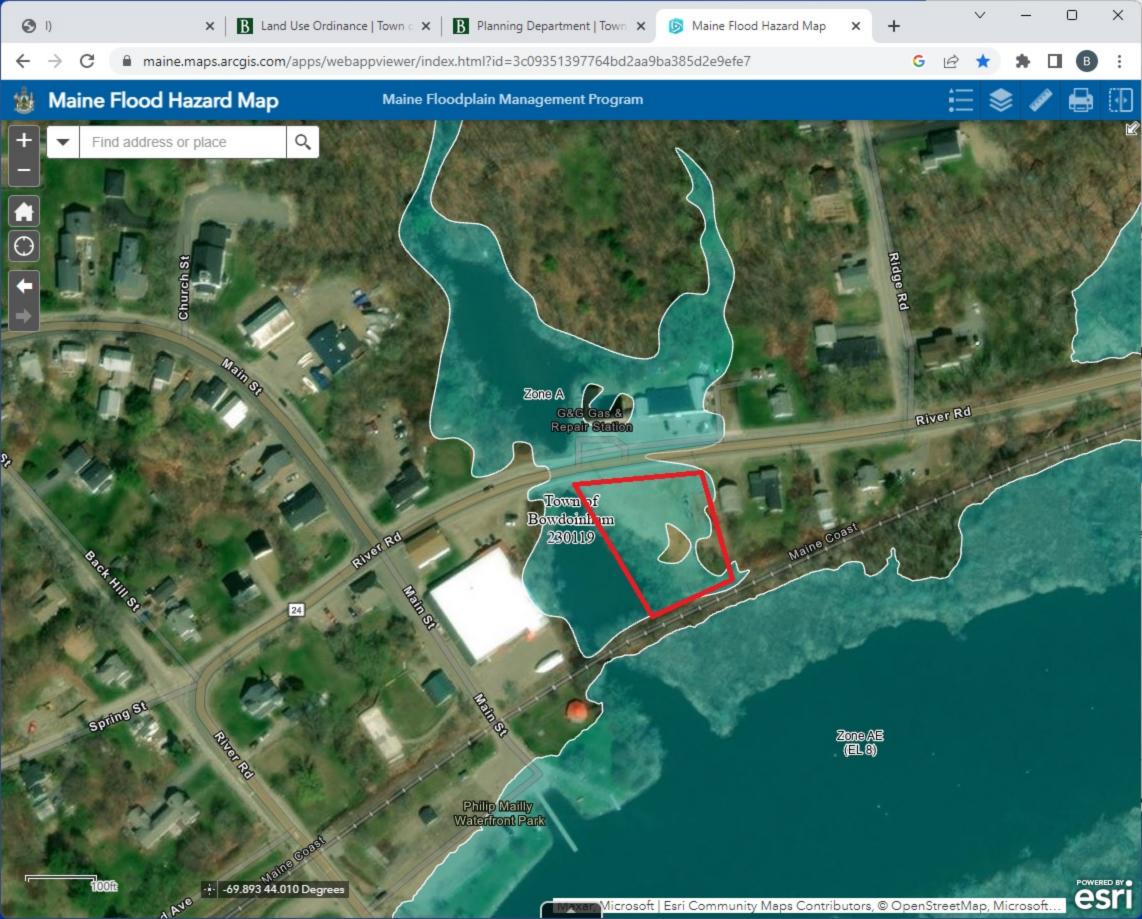
100 Middle Street

West Tower, Suite 303

Portland, Maine 04101

Office: 207.518.6315

FEMA flood map



National Flood Hazard Layer FIRMette



9°53'59"W 44°0'46"N



Legend

SEE FIS REPORT FOR OETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE) Zone A. V. A99



Regulatory Floodway With BFE or Depth Zone AE, AO, AH, VE, AR



areas of less than one square mile Zone depth less than one foot or with draina of 1% annual chance flood with average 0.2% Annual Chance Flood Hazard, Are



Chance Flood Hazard Zane X **Future Conditions 1% Annual**



Levee, See Notes. Zane X Area with Reduced Flood Risk due to

Area with Flood Risk due to Levee Zone (

NO SCREEN Area of Minimal Flood Hazard Zone)

OTHER AREAS

Effective LOMRs

Area of Undetermined Flood Hazard

GENERAL ----Channel, Culvert, or Storm Sewer

STRUCTURES | 1111111 Levee, Dike, or Floodwall

8 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation Base Flood Elevation Line (BFE) Coastal Transect

Profile Baseline Coastal Transect Baseline Hydrographic Feature

Limit of Study

Jurisdiction Boundary

FEATURES

Digital Data Available



MAP PANELS

point selected by the user and does not repres-an authoritative property location. The pin displayed on the map is an approximat

digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards This map complies with FEMA's standards for the use of

authoritative NFHL web services provided by FEMA. This map was exported on 8/7/2023 at 3:16 PM and does not become superseded by new data over time. time. The NFHL and effective information may change or reflect changes or amendments subsequent to this date and The flood hazard information is derived directly from the

unmapped and unmodernized areas cannot be used for FIRM panel number, and FIRM effective date. Map images for elements do not appear: basemap imagery, flood zone labels, regulatory purposes. legend, scale bar, map creation date, community identifiers, This map image is void if the one or more of the following map

250

500

1,000

1,500

2,000

1:6,000

Site plan review, shoreland zoning, and specific use approval criteria

Site Plan Review Approval Criteria

1. Vehicular Access – The proposed site layout will provide for safe access to and egress from public and private roads.

The proposed plan does include safe access and egress to the public road; no private roads.

2. Internal Vehicular Circulation – The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.

The proposed plan provides smooth flow to and from gas pumps.

3. Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.

n/a

4. Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The development will not have any adverse impact on municipal services.

5. Visual Impact – The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.

The proposed plan does not adversely affect the scenic views, if anything, it improves the visual appearance of the area.

6. Lighting – All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

The existing lights that are on the current pumps will be used.

7. Signage – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

The sign will be compliant with the town ordinance.

8. Buildings – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

Building will be 1 story, 10 x 12 to house electronics only.

9. Landscaping – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

We will maintain a green buffer of 25 ft along both east and west sides and the south side (both sides and rear of property). We have no landscape plan at this time for the north side (road side).

10. Buffering – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.

New tank will be 100% fenced.

11. Utilities – The proposed development will not impose an unreasonable burden on existing utilities.

Power will be underground.

12. Water Supply – The proposed development will be provided with an adequate supply of water.

N/A

13. Sewage Disposal – The proposed development will be provided with adequate sewage waste disposal.

N/A

14. Fire Protection - The proposed development will have adequate fire protection.

Existing fire surpression system will be retained.

15. Capacity of Applicant – The applicant has the capacity to carry out the proposed project.

See attached documentation.

- 16. Special Resources
 - a. Shoreland The proposed development will be in compliance with the Town's Shoreland Zoning Ordinance.

Will be in compliance

b. Floodplain - The proposed development will be in compliance with the Town's Floodplain Management Ordinance.

Tank and proposed building will be 2 feet above flood plain.

c. Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

The proposed development will not have an adverse impact due to vegetative buffer between river and site.

d. Historic & Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.

N/A

e. Groundwater – The proposed development will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

N/A

f. Wildlife Habitat – The proposed development will not have an undue adverse effect on wildlife habitat.

N/A

g. Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

N/A

17. Environmental Impact — The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

Minimal soil disturbance and no trees to be cut or removed.

a. Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.

N/A

b. Hazardous, Special & Radioactive Materials – The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

N/A

c. Air Quality – The proposed development will not result in undue air pollution or odors.

No affect.

d. Water Quality - The proposed development will not result in water pollution.

Project will not contribute to water pollution.

e. Stormwater – The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

No new stormwater provisions are proposed, existing grades will be maintained.

f. Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

Sedimentation and Erosion Control measures will be used during construction phases of the project.

18. Noise – The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

There will be no increase in noise levels

19. Compliance with Ordinances – The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

The proposed development will conform with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

20. Town Plans & Vision Statements – The proposed development is consistent with the intent of the Town's Plans, including but not limited to the Comprehensive Plan, Waterfront Plan, and Transportation Vision Statement.

The project is in line with the comprehensive plan vision of retaining this business downtown.

Shoreland Zoning Approval Criteria

1. Will maintain safe and healthful conditions.

The proposed project will comply.

2. Will not result in water pollution.

The proposed project will not result in water pollution.

3. Will provide adequate provisions for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces.

Sedimentation and Erosion Control measures will be used during construction phases of the project.

4. Will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

Sedimentation and Erosion Control measures will be used during construction phases of the project.

5. Will take adequate measures to avoid and to minimize having an adverse effect on wetlands and/or waterbodies.

We will adhere to all rules and regulations.

6. Will provide for the disposal of all wastewater in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

N/A

7. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other riparian wildlife habitat.

The proposed project will not have an undue adverse impact on spawning grounds, fish, aquatic life, bird or other riparian wildlife habitat.

8. Will conserve natural, native vegetation along the shoreline.

The proposed shoreline stabilization will conserve and enhance the natural and native vegetation along the shoreline.

9. Will conserve visual corridors.

The proposed project with conserve and enhance visual corridors.

10. Will conserve access to inland and coastal waters.

N/A

11. Will not have an adverse effect on historic and/or archaeological sites.

The proposed development will not have an adverse effect of historic or archaeological sites.

12. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

N/A

13. Will be in compliance with the Town's Floodplain Management provisions.

The proposed development will be in compliance with the Town's Floodplain requirements.

14. Will be in conformance with the provisions of Article 7, Section D, Performance Standards.

The proposed project will be in conformance with the provisions of Article 7, Section D, Performance Standards.

Automobile Service Station

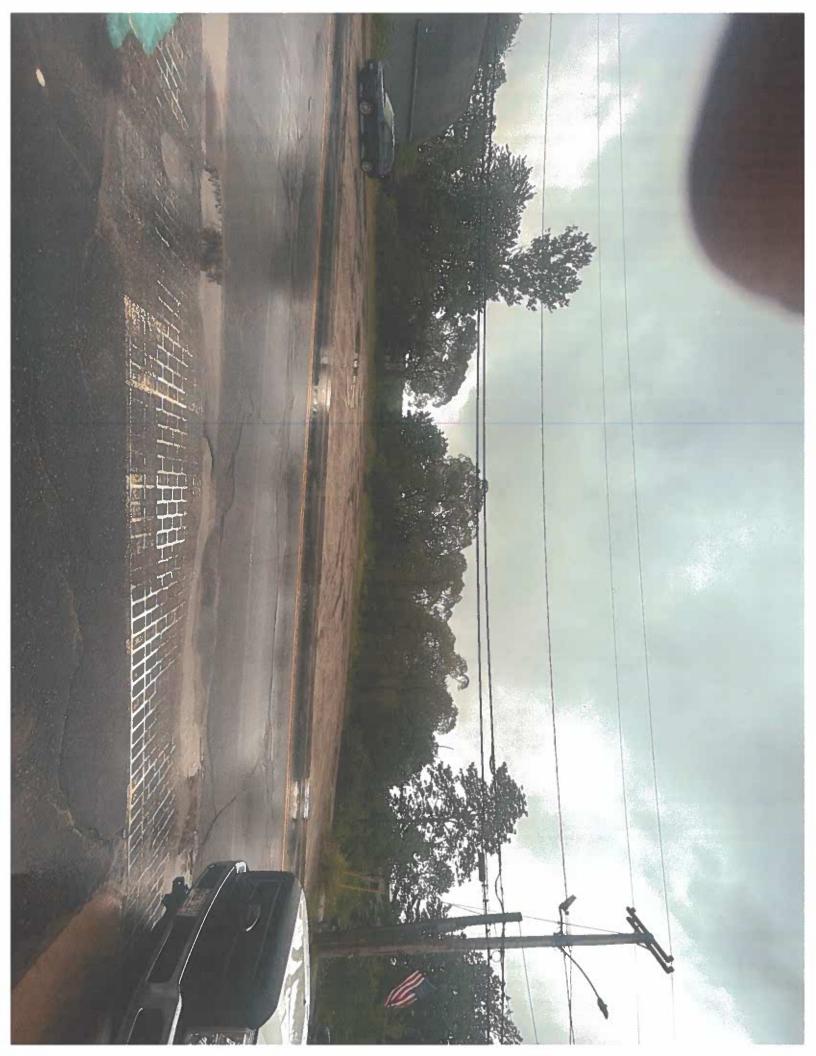
1. Will be in conformance with of Article 10, Section E, Performance Standards.

N/A, not an automobile service station, gas pumps only.

Gas Dispenser

I will be use if existing fuel dispenser which has two diesel nozzles and two gas nozzles.

Photo of site



Signage plan

Signage

There will be just one sign 3'x15', will be a simple design constructed from 4x4 post. Places 20f from pavement and visible from both directions.	t

Waivers

Planning Board

I am asking for a variance on two items.

First is to lower required pervious buffer from sidelines from 50ft to 25ft.

The second, I read in land use ordinances that any fuel storage tanks need to be 75ft from property lines. I want to install new tank at 38 ft.

The reason I am going with a double wall up 2085 tank is they are much safer. You can actually install one 5 ft from a building.

These two items are a hinge pin in the whole project.

Planning Board,

I am proposing to move existing gas station business to the gravel parking lot across from gas station.

Would like to install a new double wall UL 2085 9,000 gallon above ground fuel tank 6,000 gallons gas/3000 diesel. At the same time removing the 27 year old 12,000 gallon underground tank in front of gas station.

The new site has been used as a gravel parking lot for many years.

The elevation where the new pad will be is 8 inches above flood plain and I plan on raising it another 6 inches to finish grade. The island which the dispenser's sit on will be another 12 inches higher. The project will have minimal changes to storm water water runoff.

The lighting and fire suppression system will be reused on new site.

I propose to maintain a 25ft vegetated buffer from property lines around entire property. Except the entrance on the south side

New tank will have fencing around it to shield it from view as much as possible.

The signage will be very simple and to town specs.

There will be no water or sewer needed.

It will be open 24hrs a day 7 days per week as it is now.

I have talked with the neighbor to the north and we have decided to install a fence for a buffer between us.