PLANNING BOARD MEETING
MINUTES

Minutes of the Augusta Planning Board meeting held on November 15, 2016

Board members present: Justin Poirier, Steve Dumont, Pete Pare, Delaine Nye, Bill McKenna, Tom Connors, Dorean Maines, Alison Nichols

Board members absent: Corey Vose

City staff present: Matt Nazar, Betsy Poulin

Guests present: Ken Knight, Richard Parkhurst, Bob St. Onge, Kane Coffin

Public Hearing Tabled from August 9, September 13 and October 11, 2016 Meetings: Conditional Use. Application of Kenneth Knight for a proposed expansion of a non-conforming use, automobile business. Project includes partial demolition of an existing building in the same location of the proposed expansion. Property is in the Rural Ponds District (RPDS). Assessor's Map 4, Lot 107B. Located at 3327 North Belfast Avenue.

Matt Nazar gave an overview of the project and the November Staff Memo.

Pete: Regarding the existing freestanding sign, could a condition be placed on this sign to relocate it prior to December 2021 when it will be required to be relocated?
Matt: Yes.

Alison: Is a Bufferyard required in this zoning district?
Matt: I will have to review the ordinance and get back to you.

Alison: This has been reviewed by the Historic Preservation Commission already, so is this previously listed condition required anymore?
Matt: Yes.

Applicant: Ken Knight. Matt did a good job for the summary. The existing Imported Cars sign on the building portion to remain would stay in place even though it is not shown on the sketch.

Pete: The freestanding sign will need to be relocated, and there have been concerns about it's location in relation to the parking area, would there be a concern from you relocating it sooner than 2021?
Ken: He would prefer to wait until the building is reconstructed. Would prefer it not to have to be relocated yet.

Delaine: Believes the business was located in the house previously, and the sign's current location was to direct people to the house.
Ken: Yes, it was in the house originally. The current sign was installed when the building was constructed in 1956.

Delaine: Was in the area a few weeks ago, and tried pulling into the site, signaling when she saw the sign. The driver behind her used his horn. The sign is in the wrong location, she will not approve this with the sign in its current location. The traffic has significantly increased in this area due to the new bridge.
Ken: The big truck traffic has significantly decreased as the trucks are on the highway. There is speeding here.
Delaine: The "Enter" sign shows it right on the edge of the pavement.
Ken: The submission is a concept. He is working with MDOT on the location, in particular in relation to the culverts.
Delaine: There is no doorway on the front for customers. Concerned about landscaping.
Matt: The survey notes the building is only about 15 feet from the right of way currently. The new building is setback 35 feet, as required in the ordinance.

Justin: Can you clarify the nature of your business?
Ken: Since the mid 1980's it has been more of a hobby business. Monday through Friday, it is appointment only and maybe 1-2 customers could come in. Saturday there could be 2-3 people or 6-8 at the most. Transporters come at off times. There would be a residence in the building in the future. He does not forsee a dramatic increase in customer traffic, due to the specialty nature of the cars. Some are very expensive.

Tom: Ok with the sign location.

Any public comments?
None.

Alison: Waiting to hear about the Bufferyard. Betsy, does the sign meet the size standards of the ordinance?
Betsy: The dimensions of the sign are not known.
Matt: The sign is approximately in compliance in regards to size.

Delaine: Is the existing signage going to be an issue with the proposed signage?
Matt: There is a maximum amount of signage allowed on the building. Freestanding is separate than the building mounted.
Delaine: Feels strongly about the sign being moved to the customer driveway. Will not approve without a condition.

Justin: OK with the current sign location, with the low amount of traffic this business would have.

Tom: An enter sign will be added to the customer driveway.
Delaine: The sign could not be located where it is shown on the sketch. It would be covered with snow with the first snowplow.
Tom: Still OK with the signage.

Matt: From the Land Use Ordinance, Bufferyards, reading Item C.3. Bufferyard E, 25 foot width, shall be used for commercial uses. The Planning Board has flexibility for the Bufferyard.

Alison: This would cover the entire building and we wouldn't want that. Something to break up the front of the building would be nice.
Delaine: A few evergreen foundation shrubs would look nice. It would be appropriate for the Board to ask for this. The Comprehensive Plan speaks to the importance of having an attractive gateway. If there were 6-8 evergreen shrubs, or a mix with deciduous, they don't have to be high, it would help.

Steve: Doesn't have a problem with the sign, it will have to move eventually. The Enter sign will help.
Delaine: If the Enter sign should be on the building or close to the building, it should be visible for approaching traffic from both sides.
Alison: Traffic moves fast here. The letters need to be big for visibility. It should be double sided and high enough for snowplowing.
Matt: There are sign standards, and it can't be bigger than 4 square feet.
Pete: The clientele is scheduled appointments, and not drop in. This isn't a typical business. Customers will be directed how to come to the building, if they don't already know. He is not concerned with the existing freestanding sign.
Alison: Ken, the three parking spaces within the existing right-of-way, were relocated?
Ken: Yes. The planning board can reduce the parking requirement, correct?
Matt: Yes, they can reduce the number by 50%.
Ken: This will help with getting vehicles closer into the site, further from the road.
Alison: The communications business sign is coming down, it will stay down, correct?
Ken: Yes. The business is no longer in this location.

Alison: How do people feel about reduced parking?
(General consensus, fine)
Ken: Yes, his sketch shows 6, 12 were determined to be needed by the parking requirements.
Alison: Based on the traffic description, this seems reasonable.

Alison: This is concerning the application of Kenneth Knight, Imported Cars, for a Conditional Use Review as per Sections 300-603.E. The applicant proposes to remove 1,100 sf of his existing 2060 sf building, build a 1966 sf addition in its place with a residential apartment located above the business. The automobile business housed within the building, and which is being expanded, is a non-conforming use in the Rural Ponds District in which it sits. As per section 300-309 of our LUO: "Except in shoreland areas, expansion of buildings in non-conforming use are allowed upon approval by the Planning Board through the conditional use process. "

I have considered and agree with the Findings of Fact in the staff review and would like to add the following Findings:

1. As the building is more than 50 years old, it was subject to review by the Historic Preservation Commission. It is their determination that the building will not be subject to a demolition delay.

2. The applicant has requested a waiver from the Stormwater Management requirements of our ordinance. Staff supports granting this waiver due to the nature of the development. This waiver is granted.

3. The applicant has requested a waiver from the Traffic Report requirements of our ordinance. Staff supports granting this waiver due to the limited nature of the development. This waiver is granted.

I have also considered and agree with the Conclusions of Law in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following conditions.

1. The three parking spaces on the existing, shared right-of-way and shown on the original site plan submitted July 15, 2016 are not allowed.

2. The entrance to the new building shall not be off the shared right-of-way in the existing building, but shall be located on the opposite side of the new building, as shown in the building drawings submitted July 15, 2016.

3. The new entrance shall be clearly marked with a double-sided "Enter Here" sign easily visible to people traveling both east and west on North Belfast Avenue.

4. The sign shall not be placed in the DOT right-of-way, as it appears to be in the hand-drawn addition to the Google Earth picture submitted October 5, 2016, unless DOT gives permission for placement there.

5. The sign must be tall enough so that plowed snow will not cover the lettering.

6. The existing, free-standing antique "Imported Cars" sign shall be brought into compliance no later than November 30, 2021. At that time, the sign shall be moved away from the existing, shared right-of-way where it is currently standing to a new location near the proposed "Enter Here" sign.

7. The number of parking spaces may be reduced to 50% of the ordinance requirement.

8. As this property has 250′ of frontage along North Belfast Avenue/Route 3, and as our land Use Ordinances require a Bufferyard E for commercial businesses in the Rural Ponds District, some buffering is to be added. The plantings can be spaced in such a way as to allow Mr. Knight to display vehicles on the property in front of his business. Mr. Knight is to work with staff on the landscaping, to hopefully give some vertical interest to the front of his property.

9. The communications business signage that will be removed from the front of the business with the construction of the new building shall not be replaced.

This Conditional Approval shall expire within 18 months as outlined in the staff review. I move to approve the application as stipulated above.
Tom: Seconded.
Vote: 6:1. Delaine opposed. Motion passes.

Public Hearing: Major Subdivision. Application of Downtown LLC for conversion of office space to 12 apartment units. Property is in the Kennebec Business 1 District (KBD1). Assessor's Map 34, Lot 44. Located at 283 Water Street.

Matt Nazar gave an overview of the project. When a commercial space is being converted to a residential space, subdivision review is required. Many waivers have been requested due to the fact that the subdivision is entirely within the building.

Alison: Is there only one entrance on the top floor?
Matt: The Fire Marshall has reviewed the plans and they have been approved.

Delaine: Is the HVAC going on the roof?
Matt: The applicant can answer this.

Applicant: Richard Parkhurst of Downtown LLC. Each unit will have its own split heat pump, and they will be located on the roof. The elevator will be brought up to code, and will pass inspection at occupation.

Delaine: Are the apartments market rate?
Richard: Yes.

Alison: Concerning parking, will it be as Matt described? Using parking district permits?
Richard: Yes.

Is anyone here from the public to speak in regards to this application?
None.

Public Hearing Closed.

Alison: Excited about this project.
Delaine: Agrees.

Alison: This is concerning the application of Downtown LLC for a Major Subdivision review as per Section 300-406. The applicant proposes to convert office space to 12 residential apartment units.

I have considered and agree with the Findings of Fact in the staff review and would like to add the following Finding:

1. The applicant has requested numerous waivers from plan, narrative and application materials requirements. As staff has detailed these many waivers in their review and has no concerns, these waivers are granted.

I have also considered and agree with the Conclusions of Law in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following conditions:

1. The applicant shall address concerns of the Greater Augusta Utility District in regards to water service for the apartment units.

2. Recording Plat plans shall be stamped by a Surveyor prior to filing at the Kennebec County Registry of Deeds.

I move to approve the application as stipulated above.

Delaine: Seconded.
Vote: 7:0. All in favor. Motion passes.

Public Hearing: Amendment for Major Subdivision. Application of Lapointe / St. Onge Development LLC to amend a Minor Subdivision previously approved on July 8, 2014 to a Major Subdivision. Project includes reconfiguration of lot lines and conversion of Normands Way from a private way to a private lane to access three lots. Properties are in the Rural Residential District (RRES). Assessor's Map 7, Lots 83, 83A, 83B and 83C. Located at 3 & 4 Normands Way and 2798 North Belfast Avenue.

Matt Nazar gave an overview of the project.

Pete: The existing driveway, Normands Way, was to access two lots. Because it is serving three lots, it needs to be brought up to Private Lane standards.
Matt: Staff Recommends that a financial surety be put in place. When this is completed, the Subdivision Plat can be recorded.

Applicant: Kane Coffin, representing the applicant. The applicant would like to construct the road prior to constructing the new building and recording of the plan, instead of a financial surety. The lot lines have been reconfigured on the proposed amended plan.
Justin: Would the City be OK with the road being constructed prior to the plat being recorded?
Matt: Yes, this can be contingent on the City Engineer's approval.
Pete: An association or the owner would maintain the road?
Matt: Yes.

Alison: The condition of approval notes either a North Belfast Avenue entrance or Normands Way. Should this remain?
Matt: Reads the condition of approval. The condition of approval can be left as read. Regardless of whether the access is from Normands Way, it needs to be brought up to Private Lane standards.

Are there any members of the public to speak in regards to this application?
None.

Public hearing closed.

Delaine: In the matter of Lapointe/St Onge Development LLC in the Amended Major Subdivision. Map 7 Lots 83, 83A, 83B, 83C. The Planning Board has reviewed the Conclusions of Law and finds that the application meets the criteria for submissions. The planning board recommends that the application be approved with the waivers as noted in the staff review. The following conditions shall be met prior to signatures on the site plan. No site or building permit shall be issued prior to completion of the conditions of approval.

1. Driveway access from Normands Way to Parcel 1 will require Homeowner's Association documents. Driveway access from North Belfast Avenue will require an MDOT Entrance Permit. Prior to construction on Parcel 1, documentation shall be submitted for the proposed access.
2. The entrance road, Normands Way, shall meet the City standards of a Private Lane and be inspected and approved by the City Engineer.

This conditional approval shall expire within 18 months of approval by the Planning Board unless a building permit issued prior to this date.

Matt: The financial surety could be added as an option in the condition of approval. In the event that the Private Lane is not constructed and inspected and approved by the City Engineer, a financial surety can be used if they change their mind.
Delaine: Condition #3.

3. In the event that the private road is not constructed, inspected and approved, the applicant shall provide a financial surety before recording of the plat.

Pete: Seconded
Vote: 7:0. All in favor. Motion passes.

Motion by Steve to approve both minutes.
Pete: Seconded.
Vote: 6:0:1. Alison abstained as she was not in attendance at one meeting. Motion passes.

Pete: Feels some items approved by the Planning Board are appearing to be ignored by the applicants.
Matt: Our office works to see that the projects are completed properly.

Matt: Inspections by the Code Office review many items. Conditions of approval are not typically handed out to the building contractor from the applicant before the Planning Board.
Alison: Feels the approval should be more specific as to what the Planning Board is approving.
Matt: If the conditions are spelled out as part of the approval, it is easier for Staff to follow.
Steve: A certificate of occupancy is required for commercial developments as well?
Matt: Yes. Sometimes a financial surety is used, especially when landscaping is required and construction is happening in winter, for example.
Delaine: Made a motion that bulbs and perennials be planted at Burger King on Western Avenue.

Matt: Yes, remembers this requirement. Landscaping can be an ongoing issue, when plants die, and do not get replaced. It can be hard for Code Enforcement to keep up on all the projects.
Alison: Feels some time for the Planning board to discuss improving the motions and conditions would be good.

Adjourn:
Motion Pete to adjourn at 8:28 pm.
Seconded by Delaine.
Further Discussion. None.
Vote: 7:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.