

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

October 29, 2004

Minutes of the regular City Council meeting held Monday, October 25, 2004 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present; Mayor Dowling presided.

Presentation - The International Association of Fire Fighters
Local 1560, Fire OPS 101 Video Presentation

Public Hearing - Proposed Multi-Unit Housing Inspection Ordinance

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING

152 BE IT ORDAINED, By the City Council of the City of Augusta, that the language of Section 3.6.1.1(2) of the Land Use Ordinance, which deals with the RB1 and RB2 Medium Density Residential Zoning Districts, shall be amended by deleting the existing language shown in ~~strikethrough~~ and by adding the new language that is shown in underline, as follows:

3.6.1.1(2) MEDIUM DENSITY RESIDENTIAL DISTRICTS (RB1 and RB2)

(a) Purpose: The RB1 and RB2 districts ~~is~~ a are zones in which the principal use of land is for medium density residences.

The RB2 District is identical to the RB1 District ~~except that it excludes rooming houses.~~ Both are characterized by a mix of single and multifamily homes.

(b) Uses and Dimensional Requirements:

PERMITTED USES IN THE RB1 AND RB2 DISTRICTS (Requiring Permit from CEO):

One, Two and Multiple Family Dwellings*; Rooming Houses (except in RB2).

Accessory Residential Uses: Private Garages; Home Occupations; Group Homes; Boarding Homes; Day Care Homes.

*Note for Type "1" Manufactured Housing see Section 5.2.10 for requirements (Order No. 257 - 08/19/2002)

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

152 Continued

CONDITIONAL USES IN THE RB1 DISTRICT (Requiring Public Hearing and Planning Board Review before CEO approval):

Educational Services; Bed and Breakfast; Manufactured Housing Parks; Day Care Centers; Religious Activities and Associated Uses; Municipal or Public Utilities and Communication Facilities; Nursing Homes; Funeral Homes; Public Parks, temporary habitable trailers built on a permanent chassis to be used as portable classrooms and/or offices and/or medical diagnostic units for a specified (limited) time and as a public facility only. *(Order No.21, 2/12/01)

*Note this restriction is not intended to restrict the temporary placement of construction related trailers on project sites provided that such trailers are removed immediately upon the completion of project work at that site. Planning Board approval is not required prior to placement of such trailers. (Order 21, 2/12/01)

CONDITIONAL USES IN THE RB2 DISTRICT (Requiring Public Hearing and Planning Board Review before CEO approval):

Educational services limited to elementary and middle schools; Bed and Breakfast limited to a maximum of eight rooms;

Manufactured Housing Parks; Day Care Centers; Religious Activities and Associated Uses; Minor Municipal or Public Utilities and Communication Facilities; Nursing Homes; Funeral Homes; Public Parks, Temporary habitable trailers built on a permanent chassis to be used as portable classrooms on land occupied by allowed educational services and/or other medical diagnostic units for a specified (limited) time* and as a public facility only.* (Order 21, 2/12/01)

*Note this restriction is not intended to restrict the temporary placement of construction related trailers on project sites provided that such trailers are removed immediately upon the completion of project work at that site. Planning Board approval is not required prior to placement of such trailers. (Order 21, 2/12/01)

DIMENSIONAL REQUIREMENTS FOR RB1 AND RB2 DISTRICTS. The

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

152 Continued
following shall be considered minimums:

Where the minimum lot size law, special shoreland standards, or State of Maine Wastewater Disposal Rules impose greater requirements, those additional requirements shall be met:

LOT AREA PUBLIC SEWER	7,500 square feet
LOT AREA PRIVATE SEWER	20,000 square feet
LOT AREA PER DWELLING UNIT	2,500 square feet
LOT FRONTAGE	75 feet
LOT DEPTH	100 feet
FRONT SETBACK	See Section 5.1.16
SIDE AND REAR SETBACK:	
PRINCIPAL STRUCTURE	10 feet
ACCESSORY STRUCTURES	5 feet
MIN. FRONTAGE FOR CONVERSION TO TWO (2) OR MORE DWELLING UNITS	50 feet

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund
Nays: 0

NEW BUSINESS

WITHDRAWN

160 ORDERED, That Council Order #150 from Regular Council Meeting, October 4, 2004, regarding the City Manager entering into a lease agreement with the Edge/Spurwink for the former Rite Aid, city owned building, and abutting premises adjacent to Lithgow Library be rescinded.

HAS BEEN READ, FIRST READING

161 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding the following:

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

161 Continued
Florence Street:

No parking on the west side.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

153 ORDERED, That minutes of the City Council meeting held October 4, 2004 submitted by the City Clerk be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster
Lerman, Davis, Koski, Lund

Nays: 0

154 ORDERED, That Georgette Valliere of 10 Evolution Drive, Augusta, serve as Ward Clerk at Ward III replacing Mary Robichaud and David Leibowitz of 4 Alton Road, Augusta, serve as Constable at Ward I replacing Clyde LeClair for the upcoming November 2 General/Referendum & Municipal/Referendum Election.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

155 ORDERED, That Roll of Accounts #3 for the month of September 2004 in the amount of \$4,138,138.41 be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

156 ORDERED, That the report regarding the City's financial position through September 2004 be presented and accepted upon presentation.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

157 ORDERED, That the City Council confirm the appointment of Steve Levesque to the Augusta Development Commission; said term to expire October 25, 2007.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

158 ORDERED, That Mary Maher McCarthy be reappointed to the Historic Preservation Commission; said appointment to expire August 9, 2007.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

159 ORDERED, That a public way known as Alton Road, no longer of public use and necessity be discontinued; and

That the City chooses to retain a public easement over the herein described area for public utility facilities to provide service and that there shall be zero damages paid to abutting property owners, as would be allowed under Title 23 MRSA section 3026.

Description:

Beginning at the intersection of the southerly right-of-way line of Alton Road with the westerly right-of-way line of Town and Country Drive, reference City of Augusta Street Book 1923-199_, Page 146;

Thence North 52 degrees 25 minutes West and running parallel with the South line of Capitol Street 250 feet to an angle point;

Thence North 55 degrees 05 minutes West by an angle to the left of two degrees and forty minutes for a distance of 202.7 feet to a point in the easterly line of a strip of land 50 feet in width, the said easterly line of which runs parallel with and 50 feet distant from the easterly line of Ganneston Drive measured normal to the curve and tangent sections of said Ganneston Drive;

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

159 Continued

Thence continuing on the same course across said 50 foot strip of land to the easterly line of Ganneston Drive;

Thence northerly along the easterly line of Ganneston Drive 41.63 feet more or less to a point;

Thence South 55 degrees 05 minutes East across said 50 foot strip of land to a point;

Thence continuing on the same course 190.5 feet to an angle point;

Thence South 52 degrees 25 minutes East and running parallel with and 150 feet distant from the south line of Capitol Street 250 feet to a point in the westerly line of Town and Country Drive;

Thence South 37 degrees 35 minutes West in the westerly line of said road 40 feet to the point of beginning.

Meaning and intending to discontinue all of Alton Road as accepted by the City of Augusta Council Order 236 dated November 15, 1965.

Be it further known that notice has been sent to:

All direct abutters affected on Alton Road:

MPDC GROUP II
MPDC GROUP IV

Augusta Planning Board
Augusta Public Works
Augusta Sanitary District
Augusta Water District
Central Maine Power
Verizon
Adelphia

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

162 ORDERED, That the City Council accept the opinion of Corporation Counsel that the petition regarding the sale or use of the current Cony High School and Flatiron building is in conflict with the general laws of the State of Maine and the Charter and Ordinances of the City of Augusta and that the petition should not issue.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

163 ORDERED, That the City Council accept the opinion of Corporation Counsel that the petition regarding authorizing the sale of the Cony High School Site to Boulos Co. is not in conflict with general laws or the Constitution of Maine or Charter or Ordinance of the City of Augusta, and therefore the petition should be issued. Corporation Counsel, having concerns about a legal ambiguity of the effect of the question has required the following supplement statement of fact be included:

The City of Augusta entered into an agreement with Cony LLC (Boulos Co.) on June 29, 2004 to sell the property upon which Cony High School currently is located, except the flatiron building and property surrounding it. By answering the question in the affirmative, the City will be breaching the agreement and may be liable in damages up to \$200,000, plus attorneys' fees and costs.

The City Clerk shall cause to be printed at the expense of the petitioners an adequate supply of petitions prepared for the voters of the City for invoking the proposed question.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk