

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, FEBRUARY 19, 2009  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

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

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

- 017 WHEREAS, the City Council finds that the five criteria for approving an area rezoning, found in section 1.6.1.A.vii have been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

The parcels shown as the “area of change” on the attached map entitled Proposed Zoning and dated December 30, 2008, shall be rezoned to Planned Development (PD). Parcels included are Tax Assessor’s map 48, Lots 3, 3-A, 3-B, 4, 5, 5-B, 6, 7, 8, 8-A, 8-B, 9, 10, 11, 12, 12-A, and the segment of railroad property that starts at Riggs Brook and runs south to Route 3.

Yeas: 8;       Byron, Doore, Paradis, O’Brien  
                  Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ AND PASSED, AS AMENDED

- 016 WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends that the quality of site design be improved throughout the city.

WHEREAS, the City Council finds that the criteria for approving a Text Amendment, found in section 1.6.1.B has been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

Amend Section 2.2 of the Augusta Land Use Ordinance Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, AS AMENDED (Con't)

016 Continued

equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

(1) *Major development.* Any multi-family or non-residential development project that:

- a. creates more than 20,000 square feet of new floor space in the CD or IA zones;
- or
- b. creates more than 10,000 square feet of new floor area in zones not listed in a. above; or
- c. that disturbs more than 43,560 square feet of land; or
- d. creates more than 43,560 square feet of new impervious surface; or
- e. new construction that generates more than 100 trips in the peak hour for the proposed use; or
- f. proposes a new wireless communication facility that will require construction of a new tower.
- ~~g. A major development is any new or re-developed non-residential or multi-family residential project that disturbs one (1) acre of land or more. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more. Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface.~~

(2) *Minor development.* Any multi-family or non-residential development project that:

- a. creates between 5,000 and 20,000 square feet of new floor area in the CD and IA zones; or
- b. creates between 1,000 and 10,000 square feet of new floor area in zones not listed in a. above; or
- c. that disturbs between 10,000 and 43,560 square feet of land; or
- d. creates between 10,000 and 43,560 square feet of new impervious surface; or
- e. creates four (4) or more residential units in a pre-existing single family, duplex, or multi-family structure; or
- f. new construction that generates between 35 and 99 trips in all zoning districts except CD and IA, in the peak hour for the proposed use; or
- g. any change of use where the proposed use requires 25% more on-site parking, as calculated using the parking requirements in the Land Use Ordinance, than the applicant proposes to make available on site; or
- h. proposes collocation of a wireless communication facility on an existing tower that will require construction of a new equipment shed.
- i. all uses proposing to construct a drive-through service or vehicle re-fueling pumps that do not otherwise qualify for major or minor development review. Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, AS AMENDED (Con't)

016 Continued

(3) *Other development*. Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

Amend Chapter 3 table entitled "Land Uses in the Base Zoning Districts" as shown on the attached sheets. See table for further amendments regarding veterinary – line 7 and cemeteries – Line 13.

Amend Chapter 4 of the Augusta Land Use Ordinance to properly outline the procedure for a minor development as follows:

Amend Section 4.4 heading to be "Preapplication: (All Subdivisions/Major Developments/Minor Developments)"

Amend Section 4.5.1.1 as follows:

"Minor subdivisions and minor developments shall not require preliminary approval by the Planning Board. However, all information required for preliminary plan submission is also required for a minor subdivision or minor development."

Amend Section 4.6 heading to be "Final Plan (All Subdivisions/~~Major~~ All Developments).

Amend Section 4.6.1, 4.6.3, 4.6.4, 4.7, 4.9, 4.12.1, 4.12.2 as follows:

Replace the phrase "major development" with "major/minor development" in all places where the phrase occurs.

Yeas: 8; Byron, Doore, Paradis, O'Brien  
Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ AND PASSED

015 WHEREAS, the fees currently in place do not adequately reflect the cost of processing an application.

WHEREAS, a more sophisticated fee structure will assess the cost of an individual application more accurately, reducing fees for smaller, less complex applications, and increasing them for larger, more complex applications.

NOW THEREFORE BE IT ORDERED by the City Council of the City of Augusta that the Planning Board fees be assessed as follows:

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED (Con't)

015 Continued

1. Charge \$0.15 for materials (envelopes, paper, toner, etc), plus the cost of first class postage, for each abutter that will be notified as required by the ordinance.
2. For Major Development review, charge \$2,000, plus \$0.15 per square foot each additional square foot over 25,000, with a maximum fee of \$4,000.
3. For Minor Development review, charge \$250, plus \$0.15 per square foot for each additional square foot over 5,000, with a maximum fee of \$1,000.

Yeas: 8; Byron, Doore, Paradis, O'Brien  
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESS

HAS BEEN READ AND TABLED

021 WHEREAS, the City Council finds that the Planning Board held the required public hearing on a proposed amendment to the City's comprehensive plan.

NOW THEREFORE BE IT ORDERED, By the City Council of the City of Augusta that the 2007 Comprehensive Plan for the City of Augusta be amended as follows:

Volume 1, pages 33 and 34 of the City of Augusta 2007 Comprehensive Plan, which are maps entitled Future Land Use and Future Land Use Detail, shall be amended to include the area north of Rt. 3, west of Riverside Drive, south of Riggs Brook, and east of the Kennebec River as the same shade of brown, indicating mixed use development, as the area directly to the north of the modified area.

Yeas: 8; Byron, Doore, Paradis, O'Brien  
Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ AND PASSED

020 ORDERED, That the minutes of the City Council meetings held February 5, 2009 and February 12, 2009 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Paradis, O'Brien  
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

022 ORDERED, That Mayor Katz is authorized to execute a revised employment agreement for City Manager William Bridgeo to effectively continue the existing terms and conditions of his employment but forego his salary increase scheduled for April 1, 2009. The terms of said agreement to be from April 1, 2009 through March 31, 2012.

Yeas: 8; Byron, Doore, Paradis, O'Brien  
Rollins, Coffin, Munson, Stokes

Nays: 0

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
February 25, 2009