



THE CITY OF AUGUSTA

DAVID M. ROLLINS, MAYOR

CITY COUNCIL

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WILLIAM R. BRIDGEO
CITY MANAGER

INFORMATIONAL MEETING AGENDA

THURSDAY, OCTOBER 27, 2016

CITY HALL (COUNCIL CHAMBERS)

6:30 P.M.

A. Items for discussion submitted by the City Council and/or the City Manager:

1. Land Use Ordinance Revision of Definitions (Group Home Moratorium) – City Manager
2. Proposed Yard Sale Ordinance – Councilor Blodgett
3. Update on Property Maintenance Ordinance – Councilor Blodgett
4. Proposed Complete Streets Policy – City Manager
5. Proposed Amendments to the Blasting Ordinance – City Manager
6. Proposed Amendment to the Historic District Ordinance – Mayor Rollins

B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:

C. Open comment period for any persons wishing to address the City Council.

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



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Memo

To: City Council
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: October 24, 2016

Re: Group Homes, Religious Activities and Associated Uses, Homeless Shelters, etc

On August 18, the City Council enacted a moratorium on new or expanded Group Homes in the RB1 and BP zoning districts. At the last Planning Board meeting it was clear that the impact of a variety of uses on a neighborhood as well as freedom to practice one's religion were the primary concerns wrapped into the issue that the Council asked the Planning Board to address. The issues that were addressed are:

1. Dwelling Unit definition
 2. Group Home definition in the context of state and federal law
 3. Boarding Home definition
 4. Rooming House definition
 5. Religious Activities and Associated Uses definition(s)
 6. Shelter definition
 7. Meal Center or Food Pantry definition
 8. Where each of these uses will be allowed within the city (see attached chart)
1. The foundation of discussing residential uses is the definition of a "Dwelling Unit". Augusta's Land Use Ordinance definition of a "Dwelling Unit" does not match the definition in the NFPA Life Safety 101 code or the International Residential Code, which is the state adopted building code. Augusta's definition is:

"DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family."

The Planning Board recommends the following new definition:

"DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household."

2. The Augusta Land Use Ordinance includes the following definition:

“GROUP HOMES: A residential care facility licensed by the State of Maine, wherein persons not legally related to the operator are provided personal care, supervision and social or rehabilitative services. The facility serves as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home but providing, in addition, such service, equipment, and safety features as are required for safe and adequate care of the residents. "Group home" includes community living uses, as defined in 30 M.R.S.A. § 4962-A,[2] but does not include foster family homes or nursing homes.”

The Table of Uses includes the following use

“Group and Boarding Home”

The Planning Board recommends the following changes:

“GROUP HOMES: A facility licensed by the State of Maine, wherein more than eight (8) persons not legally related to the operator are provided personal care, supervision and social or rehabilitative services. The facility serves as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home but providing, in addition, such service, equipment, and safety features as are required for safe and adequate care of the residents. ~~"Group home" includes community living uses, as defined in 30 M.R.S.A. § 4962-A,[2] but does not include foster family homes or nursing homes.”~~

Add a new definition:

“COMMUNITY LIVING ARRANGEMENT: Means a housing facility for 8 or fewer persons with disabilities or other needs that is approved, authorized, certified or licensed by the State. The residents are not legally related to the operator and are provided personal care, supervision and social or rehabilitative services.”

In the Table of Uses, the Board should remove the use “Group and Boarding Home”. The attached chart shows where these two uses would be allowed within the city, as recommended by the Planning Board.

3. The Planning Board recommends eliminating the term “Boarding Home” because this type of use is included within the definition of a “Rooming House”. The dictionary definition of these two terms makes it clear that historically, the two uses were separated primarily by the offering of meals in a Boarding Home and not offering them in a Rooming House. Over the last 100 years, the distinction has blurred and is not functionally relevant. See the next item for some thoughts on the issue.
4. The current definition of a “Rooming House” is:

“ROOMING HOUSE: A building in which three or more rooms are kept, used, maintained, advertised or held out to the public to be a place where living quarters are supplied for pay to

transient or permanent guests or tenants for weekly or longer periods, with or without board, for compensation (as distinguished from hotels, motels and tourist homes in which rentals are generally on an overnight basis for transients).”

The Planning Board recommends eliminating the definition above and replacing it with the definition below.

“ROOMING HOUSE: means a building or group of attached or detached buildings containing three (3) or more rooms for occupancy for weekly or longer periods of time with or without board, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. A rooming house may be operated for profit or by nonprofit agencies which do not require payment from occupants. Rooming house units shall not meet the definition of a dwelling unit. For the purposes of computing density and parking requirements two (2) rooms shall equal one (1) multi-family dwelling unit.”

The Planning Board recommendation on where this use would be allowed in the city is on the attached chart.

5. The issue of how religious uses are regulated via the city land use ordinance has come up as a result of question about changes that may occur within the Westside Neighborhood. The current definition in the ordinance is:

“RELIGIOUS ACTIVITIES AND ASSOCIATED USES: A structure or place where persons regularly assemble for worship, ceremonies, rituals, education, and related social events pertaining to a particular system of beliefs, and which structure or place, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. "Religious activities and associated uses" includes but is not limited to churches, religious temples, convents, monasteries, parsonages, rectories, religious camps and retreat sites.”

The Planning Board recommends that the above definition be eliminated and the new definition below be adopted:

“PLACE OF WORSHIP: Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship, or for ceremonies, rituals, education, and related social events. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque. Any new or expanded use conducted on the premises of a Place of Worship shall be considered a separate principal use if it is operated for more than 16 hours a week, for a total of four or more weeks per year.

The Planning Board recommendation on where this use would be allowed in the city is on the attached chart.

6. The Augusta Land Use Ordinance does not include a definition for a “Homeless Shelter”, and it’s unclear exactly how classify such a use if one were requested. The Planning Board recommends the following new uses for the ordinance.

“SHELTER (Small): A social services facility providing temporary overnight shelter to eight (8) or fewer individuals in a dormitory-style or per-bed arrangement.”

“SHELTER (Large): A social services facility providing temporary overnight shelter to more than eight (8) individuals in a dormitory-style or per-bed arrangement.”

The Planning Board recommendation on where these uses would be allowed in the city is on the attached chart.

7. Meal Centers and Food Pantries are currently incorporated into the definition of a Service in the Land Use Ordinance. The Planning Board heard a lot of testimony about these uses and recommends that they be separately regulated so that their allowed location can be more appropriately designated, rather than lumping them together with all other types of Services.

MEAL CENTER AND FOOD PANTRY: A social service organization where food is distributed, either prepared or unprepared, for free or below market price.

The Planning Board recommendation on where these uses would be allowed in the city is on the attached chart.

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

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Memo

To: City Council
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: October 24, 2016

Re: Yard Sale Ordinance

Councilor Blodgett has requested that language for a possible yard sale ordinance be provided for discussion by the Council. The following language is by her suggestion and is relatively simple in its form and function. No permits are required and enforcement would be via complaint and investigation.

New Code of Ordinances section

139-30 Yard Sales

Yard sales are limited to three (3) consecutive days and no more than six (6) yard sales per year, per property. At the end of each yard sale all remaining items shall be properly stored and not left set up as they were for the sale. All advertising signs pertaining to yard sale must be removed at the end of each yard sale.

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Memo

To: Bill Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: October 24, 2016

Re: Property Maintenance Ordinance

One of the primary issues related to the property maintenance ordinance and the workload of the Bureau of Code Enforcement in general has been the time that CEOs have to address the issues that arise. With the passage of the new budget, the Bureau of Code Enforcement had an additional 24 hour position included to assist with the workload. I have now hired a new staff member, David Savage, and he is getting all of his certifications and learning the codes so he can be the lead on property maintenance issues next year.

Nonetheless, the Bureau of Code Enforcement has been able to deal with many property maintenance issues that arose during the summer. Those include:

1. 10 Kennedy Road - trash and debris - resolved
2. 4 Hutchinson Dr - debris and long grass - resolved
3. 109 Cony Street - junk yard and a junk vehicle - still in violation
4. 349 Bolton Hill Rd - trash and junk vehicles - some resolution but not complete
5. 85 Purinton Ave.- long grass and a junk vehicle - lawn mowed, still vehicle on property
6. 1 Davenport St - weeds - a letter has been sent, issue unresolved
7. 528 Riverside Drive - weeds - a letter has been sent, issue unresolved
8. 10 North Street Place - multiple issues - letter has been served to property owner
9. 2 Swan - boarded windows doors, weeds - emailed owner last month, letter going out soon
10. 30 Sewall Street - exterior of building deteriorated - a letter has been sent, issue unresolved
11. 197 Northern Ave - multiple issues - letter going out this week
12. 116 Bridge Street - multiple issues - letter going out this week
13. 14 North Street - multiple issues - letter going out this week
14. 158, 160, 162, 166 Mt. Vernon Ave - multiple issues - letters going out this week

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Memo

To: City Council
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: October 24, 2016

Re: Complete Streets

Modifications as requested to the Complete Streets draft policy document have been made. The concerns that were raised were:

1. A desire for mention of traffic calming. Added to Policy Section and underlined
2. Reference to the Comprehensive Plan. Added to the Policy Section and underlined.
3. Concern about an exception for cost. Added to the Exceptions section and underlined.
4. Concern about reporting the reasons for an exception. Added to the Exceptions section and underlined.
5. Concern that restriping for bike lanes always be considered. Already in the first paragraph of the Design Criteria, unless the Council would like more or additional language.
6. Request to look at Cambridge, MA, Complete Streets policy to deal with concern about not having to design every street for every user, pushing up costs. Looked at Cambridge's policy and they don't directly say they won't look at every use on every street, but they reference about a dozen other plans that they have in the city including a Pedestrian Plan, a Bicycle Plan, a Transit Strategic Plan, a Five-Year Street and Sidewalk Reconstruction Plan, a Safe Routes to School Program, a Vehicle Trip Reduction Ordinance, a Growth Policy Document, a Parking and Transportation Demand Management Plan, a Climate Action Plan, and an Urban Forestry Program. Each of these plans undoubtedly contains specific infrastructure build out and maintenance programs that would affect a complete streets project review. Augusta does not have such an extensive set of plans, which is normal for a city of our size. We will certainly take all of these issues into consideration when looking at each project, including looking at the network as a whole, but I'm not sure how to change the proposed policy to be more like Cambridge's.
7. Look at Vision Zero in Cambridge, MA. Vision Zero is a program that includes about 15-20 American cities right now, the smallest being San Mateo, CA (pop. 102,000). The goal of the program is to reduce or eliminate the total number of fatalities and serious crashes on the city's streets. In a dense urban environment, those issues are very real and very large. It's a separate issue from Complete Streets and is was a separately adopted policy by Cambridge, MA. If the Council would like to look into that issue further, I can explore it in greater detail.

City of Augusta, Maine

COMPLETE STREETS POLICY

Vision

Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our community. The vision of the City of Augusta is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

Policy

The City will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

Transportation facilities that support the concept of complete streets include, but are not limited to pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations, including appropriate signage and markings; traffic calming measures; and streetscapes that appeal to and promote pedestrian use.

The system's design will be consistent with the Council approved Comprehensive Plan and supportive of local neighborhoods, the historic downtown, our many major highways entering the city, and the rural area of Augusta, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Consideration shall be given to any adopted city plans or policies related to every project undertaken, including the Comprehensive Plan and any other plans that may be adopted by the city.

Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The City of Augusta's Traffic Calming Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

Exceptions

Exceptions to this policy may be made under the circumstances listed below:

1. Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
2. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
3. Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
4. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
 - a. require more space than is physically available, or
 - b. be located where both current and future demand is proven absent, or
 - c. drastically increase project costs and equivalent alternatives exist within proximity; or
 - d. or in limited situations where cost or impacts of accommodation is excessively disproportionate to the need or probable use; or
 - e. have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the Director of Public Works and/or City Engineer must first consult with the Director of Development Services and City Manager. The City Manager shall determine if an exception is warranted and inform the City Council of the exception and the reasons for it being necessary.

Publicly managed street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy or other plans.

Intergovernmental Cooperation

The City will cooperate together and with other transportation agencies including the Maine Department of Transportation (MDOT) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities.

Design Criteria

The City, through its Public Works and Development Services Departments, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the City shall adopt the best practices standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage.

Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of:

1. American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities;
2. Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach;
3. National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide;
4. U.S. Access Board Public Right-of-Way Accessibility Guidelines;
5. Highway Capacity Manual and Highway Safety Manual; and
6. the Manual on Uniform Traffic Control Devices.

The City will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Performance

The Director of Public Works and City Engineer shall report to the City Council on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the objectives of this policy.

Community Context & Network

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

1. Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
2. Corridors serving a relatively high number of users of non-motorized transportation modes;

3. Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
4. Projects identified in regional or local thoroughfare, bicycle, and pedestrian plans.

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Memo

To: City Council
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services
Lionel Cayer, City Engineer

Date: October 24, 2016

Re: Blasting Ordinance Review

Steve Langsdorf and I met with the Grandview Neighborhood last week and discussed a variety of issues with them, and they expressed concerns they have. Their biggest concern appears to be blasting and the way it disrupts their enjoyment of their homes. I've attended 40 or more blasts in the neighborhood over the last ten years and for the first time, experienced one inside a resident's house. The experience is dramatically different inside than it is outside. The blast was startling and alarming when I was inside for the last blast. When I've been outside, it's not particularly concerning at all – a bit of a rumble and some mild vibration. The exact reason for this difference is not known to me, but if the foundations are on the ledge, that might explain the difference.

At the meeting last week, it was suggested that if the neighborhood wanted to address this issue, one possible way is by changing the standard in the blasting ordinance, lowering it and thereby reducing the vibration from a blast. The blasts over the past year have been at about 25% of the city standard. If the Council wishes to address this issue by reducing the standard, a significant reduction would be necessary to make any real change in the design of the blasts. A 50% reduction in the standard would not result in any change to the current blast design, as the most recent blasts have been below that level already and have been found by the neighbors to be disruptive. A 75% or greater reduction would affect the blasts, but to what extent is unknown. It's not clear that it would be enough to reach a level that the neighborhood finds acceptable. And obviously smaller blasts would result in less rock for the quarry operators within the city. Changes to the standard would affect both quarries, not just one.