

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

MEMORANDUM

TO: Planning Board

FROM: Matthew Nazar, Director of Development Services
and Susan Redmond, Assistant Planner

DATE: July 2, 2014

RE: William Guerrette; 227 Water Street

Handwritten initials, possibly "WR", in blue ink.

SUMMARY OF REQUEST

Request: The request is for a Major Subdivision review as per Section 4.6. The applicant proposes to create nine apartments in a commercial space.

Owner: Smithtown Four LLC

Applicant: William Guerrette

Location: 227 Water Street

Zoning: Kennebec Business District 1 (KBD1)

Tax Map Number: Map 34, Lot 34

Existing Land Use: Business and Professional Offices and Services

Proposed Land Use: Multiple Family Dwelling

Acreage: .20 acres

SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Subdivision Application form
2. Deed

3. Narrative
4. Assorted plans
5. Narrative addendum
6. Boundary survey

Areas of Concern

The Bureau of Planning comments that a third floor plan, which shows the division of the commercial space into apartments, and includes an engineer's seal and signature, needs to be submitted.

Waivers

The applicant requested a number of waivers on the application form.

Staff Review

The Bureau of Planning comments that a third floor plan, which shows the division of the commercial space into apartments, and includes an engineer's seal and signature, needs to be submitted. The floor plan does not need to include the layout within each of the apartments.

Lot Characteristics

No changes are proposed to the lot characteristics.

CRITERIA FOR FINAL PLAN REVIEW OF A MAJOR SUBDIVISION (Section 4.6 of the LUO; includes Section 6.3.4, Conditional Use Review)

Neighborhood Compatibility (Section 6.3.4(1) of the LUO)

- a) *Land Use/ Visual Integrity:*
 - i. *Land Uses:* The applicant proposes to convert third floor commercial space to apartments. There are other buildings in downtown Augusta that have apartments on the upper floors.
 - ii. *Architectural Design:* The applicant proposes a terrace on the roof.
 - iii. *Scale, Bulk, Building Height:* No change.
 - iv. *Identity, Historical Character:* Downtown Augusta is a mix of commercial and residential space.
 - v. *Disposition and Orientation:* No change.
 - vi. *Visual Integrity:* The proposal is compatible with the neighborhood.
- b) *Privacy:* The proposal will maintain the privacy of residents of the immediate area.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions.
- d) *Property Values:* The proposal will not have a detrimental effect on the value of adjacent properties.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.

Plans and Policies (Section 6.3.4(2) of the LUO)

The proposal is in the River / Downtown District which is described in the 2007 Comprehensive Plan. The plan calls for re-occupying the upper floors of buildings with offices and residential uses.

Staff recommends that the Board find that the proposal is in accordance with the 2007 Comprehensive Plan.

Traffic Pattern, Flow and Volume (Section 6.3.4(3) of the LUO)

- a) *Additional Traffic:* There was previously an accounting firm in the space. No additional traffic is anticipated.
- b) *Safe Access:* No change.
- c) *Emergency:* Two means of egress is proposed. Lt. Freeman of Augusta Fire Department comments that a Knox Box will need to be installed to allow the Fire Department to access the units during an emergency.
- d) *Movement/Parking:* Tenants will park in Augusta Parking District spaces adjacent to the building.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Traffic Pattern, Flow and Volume.

Public Facilities (Section 6.3.4(4) of the LUO)

- a) *Water Supply:* The building is served by public water. Michael Morey, of Greater Augusta Utility District, comments that there is no issue with the proposal.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The building is served by public sewer. Michael Morey, of Greater Augusta Utility District, comments that there is no issue with the proposal.
- c) *Electricity/Telephone:* There is electric power at the building.
- d) *Storm Drainage:* No change.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Public Facilities.

Resource Protection and Environment (Section 6.3.4(5) of the LUO)

- a) *Sensitive Areas:* No sensitive areas will be affected.
- b) *Air Quality:* The proposal conforms to air quality standards.
- c) *Water Quality:* The proposal conforms to water quality standards.
- d) *Sewage/Industrial Waste:* Sewage will be disposed of in the public sewer.
- e) *Shoreland/Wetland Districts:* The proposal conforms to the Shoreland Zoning standards.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment.

Performance Standards (Section 6.3.4(6) of the LUO)

- a) *Performance and Dimensional Standards:* The proposal complies with the performance and dimensional standards.
- b) *Noise:* Noise is not a concern.
- c) *Glare/Heat:* No glare or heat is proposed.
- d) *Exterior Lighting:* No change.
- e) *Screening:* No change.
- f) *Signage:* No signage is proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards.

Financial and Technical Ability (Section 6.3.4(7) of the LUO)

The applicant has adequate financial and technical ability to complete the project.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

Pollution (Section 4.4.1.1 of the LUO)

- a) *Floodplain:* The apartments will be on the third floor and are outside the floodplain.
- b) *Ability of Soils to support waste disposal:* Sewage will be disposed of in the public sewer.
- c) *Slopes effect on effluents:* Sewage will be disposed of in the public sewer.
- d) *Streams for disposal of effluents:* Sewage will be disposed of in the public sewer.
- e) *Applicable health and water resource rules:* Sewage will be disposed of in the public sewer.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Pollution.

Sufficient Water (Section 4.4.1.2 of the LUO)

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Sufficient Water.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Municipal Water Supply.

Soil Erosion (Section 4.4.1.4 of the LUO)

No soil erosion is proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Soil Erosion.

Highway or Public Road Congestion (Section 4.4.1.5 of the LUO)

See the Traffic Pattern, Flow and Volume section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Highway or Public Road Congestion.

Sewage Waste and Municipal Solid Waste Disposal (Sections 4.4.1.6 and 4.4.1.7) of the LUO)

See the Public Facilities section regarding sewage waste. Solid waste will be disposed of by a private waste hauler.

Staff recommends that the Board find that the proposal in compliance with the Sewage Waste and Municipal Solid Waste Disposal section.

Aesthetic, Cultural, and Natural Values (Section 4.4.1.8 of the LUO)

The proposal will not have an undue adverse effect on aesthetic, cultural or natural values.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Aesthetic, Cultural, and Natural Values.

Conformity with City Ordinances and Plans (Section 4.4.1.9 of the LUO)

See the Plans and Policies and Performance Standards sections.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Conformity with City Ordinances and Plans.

Financial and Technical Ability (Section 4.4.1(10) of the LUO)

See the Financial and Technical Ability section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

Surface Waters; Outstanding River Segments (Section 4.4.1(11) of the LUO)

The proposal will not adversely affect the Kennebec River.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Surface Waters and Outstanding River Segments.

Ground Water (Section 4.4.1(12) of the LUO)

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Ground Water.

Flood Areas (Section 4.4.1(13) of the LUO)

The third floor apartments will be outside the 100 year floodplain.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Flood Areas.

Freshwater Wetlands (Section 4.4.1(14) of the LUO)

No freshwater wetlands will be impacted.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Freshwater Wetlands.

River, Stream, or Brook ((Section 4.4.1(15) of the LUO)

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Rivers, Streams, or Brooks.

Stormwater (Section 4.4.1(16) of the LUO)

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Stormwater.

Access to Direct Sunlight (Section 4.4.1(17) of the LUO)

The proposal will not block access to direct sunlight to any structures utilizing solar energy.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Access to Direct Sunlight.

Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 4.4.1(18) of the LUO)

The proposal is not regulated by Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377.
Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377.

Spaghetti-Lots Prohibited (Section 4.4.1(19) of the LUO)

No spaghetti lots are proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Spaghetti-lots.

Outdoor Lighting (Section 4.4.1(20) of the LUO)

See the Performance Standards section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Outdoor Lighting.