

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: February 4, 2015

RE: **BADJ Properties, LLC**

SUMMARY OF REQUEST

Request: The request is for a Major Development review as per Section 4.5 and Conditional Use Review as per Section 6.3. The applicant proposes to create a staging area for processing scrap metal. The use is classified as Waste Facility, Type 1 which is a conditional use.

Owner: BADJ Properties, LLC

Applicant: BADJ Properties, LLC

Location: Lipman Road

Zoning: Industrial (IA) District

Tax Map Number: Map 53, Lot 22

Existing Land Use: Agriculture

Proposed Land Use: Waste Facility, Type 1

Acreage: 6.2 acres

SUMMARY OF SUBMITTAL PACKAGE

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

1. Development Review Application Form
2. Narrative

3. Deed
4. Plan set

Areas of Concern

Staff recommends that the Board require the applicant to:

1. On the Site Plan, modify the angle of the driveway where it intersects Lipman Road so that there will be safe egress from the site. The design shall be acceptable to the City Engineer.
2. On the Site Plan, move the retaining wall back from the Lipman Road in order to allow space to stabilize the wall.
3. Submit a letter that indicates that BADJ Properties, LLC has the financial capacity to complete the project in accordance with the ordinance.
4. Submit a letter from the Public Works Director that indicates there is sufficient capacity at Hatch Hill for the solid waste.
5. Submit a letter from the Maine Historical Preservation Commission that indicates that there are no historic or archaeological sites in the project area.
6. Revise Sheet C-5, Site Details IV, to change the Light Pole and Precast Concrete Light Pole Base detail to revise "All lights shall be cut-off luminaire" to state "All lights shall be **full** cut-off luminaire."
7. Submit a photometric plan which demonstrates that the lighting standards will be met.

To protect the aquifer, staff recommends that the Board require the applicant to:

1. Complete routine quarterly inspections of the oil water separator and remove accumulated oil or grease (if any).
2. Maintain a spill response kit on the Site that can be used to respond to any unexpected leaks or spills from on-site equipment.
3. Surplus scrap metal should be stored on the proposed concrete pad or an area where stormwater contacting scrap metal can be collected and routed through the soil water separator.
4. Periodically clean the concrete pad surface to minimize buildup of fines that may accumulate. Fines should be disposed of off-site.
5. Provide training to on-site employees related to inspection of incoming scrap metal to identify unacceptable materials in loads such as liquids, unknown solid waste, foreign debris (soil, trash, etc.) and a means of segregating unacceptable waste on the concrete pad for off-site disposal.
6. Complete inspections of stormwater structures and discharges in accordance with the Site's Stormwater Pollution Prevention Plan (SWPPP). Special emphasis should be placed on the discharge location for the oil/water separator for the presence of sheens or discoloration. Any deficiencies should be promptly addressed.

Waivers

No waivers were requested.

Staff Review

The Bureau of Engineering does not have additional comments.

The Bureau of Code Enforcement does not have additional comments.

The Bureau of Planning does not have additional comments.

Lot Characteristics

Lot Area – The minimum required lot area is 60,000 square feet (3.6.1.4.2). The lot is 6.2 acres, which meets the standard.

Lot Frontage – The minimum lot frontage is 150 feet (3.6.1.4.2). The lot frontage is over 150 feet, which meets the standard.

Lot Depth – The minimum lot depth is 200 feet (3.6.1.4.2). The lot depth is over 200 feet, which meets the standard.

Setbacks – The minimum side and rear yard setbacks are 25 feet (3.6.1.4.2). The proposed setbacks are over 25 feet, which meets the standard.

CRITERIA FOR REVIEW OF A MAJOR DEVELOPMENT (Section 4.5 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:*
 - a. *Land Uses:* Cives Steel is on the other side of the railroad tracks. The parcel is in the Industrial District.
 - b. *Architectural Design:* The building is one-story tall and has a hipped roof. An Elevation Plan is included.
 - c. *Scale, Bulk, Building Height:* The proposed building height is 18'3".
 - d. *Identity, Historical Character:* The parcel is in an industrial area.
 - e. *Disposition and Orientation:* The proposed building is oriented parallel to Lipman Road.
 - f. *Visual Integrity:* There is a wooded area on the north side of the site. A buffer is proposed between the site and the railroad tracks.
- b) *Privacy:* There are no residences in the immediate vicinity.
- c) *Safety and Health:* See the traffic section regarding access.
- d) *Property Values:* The proposed use is not expected to have a significant detrimental effect on the value of adjacent properties.

See the traffic section regarding access.

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

The proposal is located in the North River Mixed Use District which is described in the 2007 Comprehensive Plan. The area includes residential, commercial and industrial properties.

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:* The applicant anticipates that up to nine vehicles will enter the site daily (four trucks plus five employees). The volume of the additional traffic is not a concern.
- b) *Safe Access:* Lionel Cayer, City Engineer, comments that the angle of the driveway needs to be modified in order to allow safe egress from the site.
- c) *Emergency:* Lt. Tom Freeman of the Augusta Fire Department does not have any concerns regarding the proposal.
- d) *Movement/Parking:* Sufficient parking is proposed. The traffic circulation is acceptable. There is sufficient room to unload materials.

Staff recommends that the Board require the applicant to:

1. On the site plan, modify the angle of the driveway where it intersects Lipman Road so that there will be safe egress from the site. The design shall be acceptable to the City Engineer.

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

- a) *Water Supply:* The applicant proposes to use public water.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* A septic system is proposed.
- c) *Electricity/Telephone:* Electricity and telephone service is available from an adjacent pole.
- d) *Storm Drainage:*

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

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

- a) *Sensitive Areas:*
 - The parcel slopes downhill from Lipman Road. A retaining wall is proposed along Lipman Road. Lionel Cayer comments that the retaining wall needs to be moved back from Lipman Road to allow space to stabilize the wall.
 - Roughly half the site is located over a significant sand and gravel aquifer (see map). The applicant submitted a letter from Michael Deyling, a geologist at CES, Inc. He recommends several actions to minimize risks to the aquifer which include the following:
 - Complete routine quarterly inspections of the oil water separator and remove accumulated oil or grease (if any).

- Maintain a spill response kit on the Site that can be used to respond to any unexpected leaks or spills from on-site equipment.
- Surplus scrap metal should be stored on the proposed concrete pad or an area where stormwater contacting scrap metal can be collected and routed through the soil water separator.
- Periodically clean the concrete pad surface to minimize buildup of fines that may accumulate. Fines should be disposed of off-site.
- Provide training to on-site employees related to inspection of incoming scrap metal to identify unacceptable materials in loads such as liquids, unknown solid waste, foreign debris (soil, trash, etc.) and a means of segregating unacceptable waste on the concrete pad for off-site disposal.
- Complete inspections of stormwater structures and discharges in accordance with the Site's Stormwater Pollution Prevention Plan (SWPPP). Special emphasis should be placed on the discharge location for the oil/water separator for the presence of sheens or discoloration. Any deficiencies should be promptly addressed.

Staff recommends that these actions be included as conditions of approval.

- A portion of the site is in the 100-year floodzone (shown as zone AE on the map). The proposed gatehouse will be located outside the 100-year floodzone (For orientation purposes: The two poultry barns that were previously on the parcel are on the aerial photograph on the Flood Insurance Rate map. The concrete slabs for the barns are shown on the site plan. On Sheet 2 of the survey, there are two rectangles labelled "building torn down", which depict the former locations of the barns. On the site plan, one of the rectangles and a portion of the other rectangle are included on the plan.)
- b) *Air Quality*: No state or federal air quality permits are required.
- c) *Water Quality*: The Maine DEP Industrial Stormwater Division is reviewing the project. The Maine DEP requires a SWPP plan.
- d) *Sewage/Industrial Waste*: Sewage will be disposed of in the septic system. A grease/oil separator is proposed in the center of the 80' x 200' concrete pad.
- e) *Shoreland/Wetland Districts*: The property is not in the shoreland zone.

Staff recommends that the Board require the applicant to:

1. On the Site Plan, move the retaining wall back from the Lipman Road in order to allow space to stabilize the wall.

To protect the aquifer, staff recommends that the Board require the applicant to:

1. Complete routine quarterly inspections of the oil water separator and remove accumulated oil or grease (if any).
2. Maintain a spill response kit on the Site that can be used to respond to any unexpected leaks or spills from on-site equipment.
3. Surplus scrap metal should be stored on the proposed concrete pad or an area where stormwater contacting scrap metal can be collected and routed through the soil water separator.
4. Periodically clean the concrete pad surface to minimize buildup of fines that may accumulate. Fines should be disposed of off-site.

5. Provide training to on-site employees related to inspection of incoming scrap metal to identify unacceptable materials in loads such as liquids, unknown solid waste, foreign debris (soil, trash, etc.) and a means of segregating unacceptable waste on the concrete pad for off-site disposal.
6. Complete inspections of stormwater structures and discharges in accordance with the Site's Stormwater Pollution Prevention Plan (SWPPP). Special emphasis should be placed on the discharge location for the oil/water separator for the presence of sheens or discoloration. Any deficiencies should be promptly addressed.

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:* There will be noise created by the proposed use. See the letter with the subject line "5.2.9.1 Waste Facility, Class 1" for an in-depth description of the use. Cives Steel is located on the west side of the railroad tracks (opposite side of the tracks from the proposal). There is noise associated with that operation.
- c) *Glare/Heat:* The proposal does not involve intense glare or heat.
- d) *Exterior Lighting:* Exterior lighting is proposed. A lighting plan is forthcoming.
- e) *Screening:* A Bufferyard A is required between the use and the railroad tracks / Cives Steel (Table 5.1.1-A). There is a residential use on the opposite side of Lipman Road, however, there is no building within 200 feet of the project. No buffering is required between the proposed use and the residential use (see Table 5.1.1-A).
- f) *Signage:* A sign is proposed at the entrance to the site (see the Photographs).

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)

E. S. Coffin Engineering & Surveying prepared the application. The firm has the technical ability to meet the terms of the ordinance. A letter regarding financial capacity is forthcoming.

Staff recommends that the Board require the applicant to:

1. Submit a letter that indicates that BADJ Properties, LLC has the financial capacity to complete the project in accordance with the ordinance.

Pollution (Section 4.4.1.1 of the LUO)

- a) *Floodplain:* See Resource Protection and Environment (sensitive areas).
- b) *Ability of Soils to support waste disposal:* A septic system will be installed.
- c) *Slopes effect on effluents:* The septic system will be designed by Kane Coffin of Coffin Engineering.
- d) *Streams for disposal of effluents:* There is no stream in the vicinity of the septic system.
- e) *Applicable health and water resource rules:* The septic system will need to meet the standards for a permit.

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)

The erosion and sedimentation control plan is acceptable.

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)

A septic system is proposed. The applicant has requested a letter from the Public Works Director to inquire whether there is sufficient capacity at Hatch Hill for the solid waste.

Staff recommends that the Board require the applicant to:

1. Submit a letter from the Public Works Director that indicates there is sufficient capacity at Hatch Hill for the solid waste.

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

John Perry, of the Maine Department of Inland Fisheries & Wildlife, states in his letter "There are no known locations of Endangered, Threatened, or Special Concern species within the project area. Additionally, our Department has not mapped any Essential or

Significant Wildlife Habitats or fisheries habitats that would be directly affected by [the] proposal.”

Don Cameron, of the Maine Department of Agriculture, Conservation & Forestry, indicates there are no known rare botanical features documented in the project area.

The applicant has sent a letter to the Maine Historical Preservation Commission to inquire whether there are any historic or archaeological sites in the project area.

Staff recommends that the Board require the applicant to:

1. Submit a letter from the Maine Historical Preservation Commission that indicates that there are no historic or archaeological sites in the project area.

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

The applicant submitted information as required by the Land Use Ordinance, Section 5.2.9.1 Waste Facility, Type 1.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding 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 project is over 250 feet from the Kennebec River.

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

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

The project will connect to the public water system. The project is not expected to adversely affect the quality or quantity of ground water.

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)

See the Resource Protection and Environment section.

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 wetland impact is proposed.

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)

There is no stream or brook on the project site or immediately adjacent to the site. The Kennebec River is over 250 feet away from the project site.

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 direct sunlight.

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

The project is not regulated by the Site Location of Development Law. 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)

A subdivision is not proposed. Not applicable.

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)

One exterior light is proposed. It is located on the west side of the scale house. Sheet C-5 includes a detail of the light. A note below the detail states "All lights shall be cut-off luminaire." Full cutoff lights are required. The applicant plans to submit a photometric plan.

Staff recommends that the Board require the applicant to:

1. Revise Sheet C-5, Site Details IV, to change the Light Pole and Precast Concrete Light Pole Base detail to revise "All lights shall be cut-off luminaire" to state "All lights shall be **full** cut-off luminaire."
2. Submit a photometric plan which demonstrates that the lighting standards will be met.