

PLANNING BOARD MEETING MINUTES

Minutes of the Augusta Planning Board meeting held on April 14, 2015.

Board members present: Pete Pare, Tom Connors, Corey Vose, Heather Pouliot, Steve Dumont, Justin Poirier, Alison Nichols

Board members absent: A. Delaine Nye, Bill McKenna

City staff present: Lionel Cayer, Matt Nazar, Susan Redmond

Guests present: Keith Edwards, Rita McCollett, Michael Pelletier, Wendy Pelletier, Walt McKee, Roger Carrier, Suzette Carrier, Cecil Munson, Kathy Tozier, Peter Tozier, Alicia Barnes, Jason Everett, Bob Corey, David Furlong, Paul Mason, Kathy Mason, Atwood Lunt, Sylvia Hudson, George Cemodanovs, Pam Cemodanovs, Stephanie Porciello, Paul D. Roy, Stanley C. Koski, Dale McCormick, Jim Coffin, George Schott

Corey Vose, Chair, called the meeting to order at 7:00 p.m.

Public Hearing: Conditional Use. Application of Michael and Wendy Pelletier to install a foundation beneath a house. Tax Map 71, Lot 18A. Located at 50 Albee Road in the Rural Ponds District (RPDS).

Matt Nazar, Director of Development Services, gave an overview of the project.

Mike Pelletier
Propose frost wall foundation
Posts are rotting

Alison Nichols
What is the height of the house?

Mike Pelletier
I don't know. It is two stories at the highest point.

No public comment.

Alison Nichols:
Waivers acceptable?

Matt Nazar.
Yes.

The Planning Board thought that it was acceptable for the building to remain where it is.

Motion by Alison Nichols: In the matter of: The request by Michael and Wendy Pelletier for a Conditional Use review of the proposal to install a foundation/frost wall beneath their home. The project is located on Tax Map 71 in the Rural Ponds District and the Limited Residential District , and is Lot 18A.

I have considered and agree with the Findings of Fact as presented in the staff review and would like to add these findings:

15. The applicant has requested seven waivers from the list of submissions of required materials. Since the application is for the construction of a foundation/frost wall under an existing building and no other changes to the property are proposed, we grant these waivers.

16. The Planning Board has discussed whether the home could be moved away from the lake to meet the 100' setback from the normal high water line. We believe that it is best to leave the home where it is.

I have also considered and agree with the Conclusions of Law as presented by staff as they pertain to 4.4.1 Criteria for Reviewing the Preapplication and 6.3.4 Site Plan Criteria Applicable for Conditional Uses.

I believe, with the following conditions, the project can meet the standards of our Land Use Ordinance. These standards shall be met prior to the Signature of Approval on the Site Plan and no site or building permit shall be issued until these conditions are met.

1. The applicant has stated that no expansion of the property is being requested and that the building height shall not change by placing this frost wall under the building. In order to ensure that the volume of the building is not increased, the height, which may have to be unavoidably changed during construction, cannot be increased by more than 2' 11".

2. As the applicant has stated, upon completion of the project, plants and trees will be restored in the disturbed area. This is to be done, with special attention being given to the side of the property facing the lake, given its closeness to the shoreline. Plants chosen should be those that will aid in keeping run-off from the property from entering the lake.

Seconded by Justin Poirier. All in favor. 6:0. Motion passed.

Public Hearing: Conditional Use. Application of Rita McCollett for a retail use, which is a conditional use. Assessor's Map 35, Lot 214. Located at 42 Mount Vernon Avenue in the Resource Development District (RD).

Matt Nazar, Director of Development Services, gave an overview of the project. Application was tabled by the Planning Board about a year ago. No curbing along front property line.

Lionel Cayer
Propose installing curbing that will leave two openings.

Rita McCollett
I have a meeting with MaineDOT in the morning to discuss the curbing.
I propose to have consignment sales.

No public comment.

Motion by Alison Nichols: In the matter of: The request by Rita McCollett for a Conditional Use review of her proposal to add a retail use to a building located at 42 Mount Vernon Avenue. The project is located on Tax Map 35 in the Resource Development District and is Lot 214.

I have considered and agree with the Findings of Fact as presented in the staff review. I have also considered and agree with the Conclusions of Law as presented by staff as they pertain to 4.4.1 Criteria for Reviewing the Preapplication and 6.3.4 Site Plan Criteria Applicable for Conditional Uses.

I believe, with the following condition, the project can meet the standards of our Land Use Ordinance. These standards shall be met prior to the Signature of Approval on the Site Plan and no site or building permit shall be issued until these conditions are met.

1. The applicant will continue to work with both Lionel Cayer and MDOT to ensure that the recommended curbing is installed.

Seconded by Heather Pouliot. All in favor. 6:0. Motion passed.

Public Hearing: Conditional Use. Application of Laura Benedict for a noise waiver for the Red Barn. Tax Map 49, Lot 13. Located at 455 Riverside Drive in the Planned Development 2 District (PD2).

Matt Nazar, Director of Development Services, gave an overview of the project.

Neighborhood compatibility, traffic, and noise are concerns

Sound items to address:

- technologies to remedy sound

- noise easements

- will not be excessively incompatible with the neighborhood

2012 building permit for expanded parking lot

Alison Nichols

Parking lot approval was in 2012 – still okay to proceed with project?

Matt Nazar

Yes.

Alicia Barnes, Red Barn

Planning on submitting 12 mass gathering permits for concerts at a cost of \$1,200

Events are on same evenings

Pursuing conditional use approval so can cover car shows as well

Red Barn is in a mixed use zone

Parking lot attendants

\$6,500 for sound study

\$2,200 for mass gathering permits

Pete Pare

If applicant gets mass gathering permit, are they exempt from noise ordinance?

Matt Nazar

Yes.

Pete Pare

Why have a DJ at the car show?

Jason Everett

Do car shows at Ainslie's

Car shows draw an older crowd – 50's +, they like to have music

Tom Connors

Other noise from cars?

Jason Everett

Cars will be shut off

Alison Nichols

When did benefit concerts start?

When will bufferyards from 2012 approval go in?

How many events?

Alicia Barnes

I don't know when benefit concerts started

Stage was there prior to 2012

Fence line put in between Red Barn and Mr. King's property

Put in 10 parking spots since 2012 application

Might want to put in bufferyard between Red Barn and abutting property to north

34 events proposed

Concerts: Memorial Day to Labor Day

Tom Connors

Where will the cars park?

Distance between cars and Mr. King's property?

Alicia Barnes

Car shows will be further to the east of the stage

David Furlong, Augusta resident, described car shows

Matt Nazar

Code enforcement officers can work with Red Barn to take sound level measurements

Paul Mason

Can purchase a decibel level reader and take measurements

Pete Pare

Why not move stage to back of lot and angle it towards woods?

Speaking in favor

Liz Griswold

Support proposal – gives people something to do

Speaking against

Walt McKee, representing Brian King and Roger Carrier (abutters)

My clients would like to be at their properties on weekday evenings without being subjected to noise from car shows at Red Barn

Roger Carrier, 439 Riverside Drive

34 events is too much

If it were just once per month, wouldn't mind it

Red Barn doesn't want to spend money on sound deadening equipment

Why not have car shows without music?

Jason, Suburban Propane

Located 75 yards away

Interested in curtailing trespassing and loitering

No one wished to speak neither for nor against.

Alicia Barnes

Can turn down sound

Sound study is prohibitively expensive

Sound waiver is less expensive than mass gathering permits

Corey Vose

Don't think applicant has met waiver criteria

Alison Nichols, Steve Dumont, and Heather Pouliot agreed with Corey

Pete Pare

Can't vote for noise waiver. Buffer not planted.

Justin Poirier

No specifics given regarding how try to meet 60 decibels at property line

Think should deny

Don't think applicant has met the burden of proof

(8:50 pm) MOTION by Justin Poirier: In the matter of the Red Barn's requesting a waiver from the noise ordinance, I move that we deny the waiver based on the fact that the applicant did not submit evidence that meets the standards of the ordinance.

Seconded by Steve Dumont. All in favor. 6:0. Motion passed.

Public Hearing: Major Development Amendment. Conditional Use. Application of AugustRes LLC to construct a 25,580 square foot hotel and to allow blasting. The proposed building is over forty-two feet in height which is a conditional use. Assessor's Map 83, Lot 13, 17B, 20, 21, and 21A. Located off Western Avenue in the Regional Business (CC) District.

Matt Nazar

Two proposed changes: blasting, change roof height and style from flat roof to gabled roof
Proposed height is 52 feet.

Jim Coffin, Coffin Engineering & Surveying
Building will be lower than Western Avenue
Height will appear lower

George Schott

On a tight construction schedule – want to get roof on before winter

Alison Nichols

Square footage of hotel?
Will HVAC be hidden by roof?

Jim Coffin

24,990 square foot building proposed
Changed brand of hotel

George Schott

HVAC will either be inside roof or at ground level

Speaking against

George Cemodanovs

Opposed to blasting
Afraid of getting crack in foundation

Neither for nor against

Cecil Munson

Number of blasts?

Jim Coffin

Will do preblast survey

Steve Dumont

Make sure (man who spoke against proposal) is on pre blast survey

(9:15 pm) Motion by Alison Nichols: In the matter of: The request by the applicant, AugustRes LLC, for a Major Development Amendment to construct a four-story, 24,990 square foot hotel and to allow blasting. The property can be found on Assessor's Map 83, Lots 13,17B, 20, 21 & 21A and is located in the Regional Business (CC) District zone off of Western Avenue in which height flexibility is possible.

I have considered and agree with the Findings of Fact 1 – 14 as presented in the staff review and would like to add this finding:

15. The applicant submitted an application for a blasting permit on March 26, 2015. Staff has since found that the permit application is complete and acceptable.

I have also considered and agree with the Conclusions of Law as presented by staff as they pertain to 4.4.1 Criteria for Reviewing the Preapplication and 6.3.4 Site Plan Criteria Applicable for Conditional Uses.

Based on the facts presented and the testimony heard this evening I believe that this application is able to meet the standards of the Land Use Ordinance. I move to approve the application, with the height of 52'.

Seconded by Steve Dumont. All in favor. 6:0. Motion passed.

Public Hearing: Land Use Ordinance Amendment. Changeable message board signs in the Riggs Brook Village District (RBV).

Matt Nazar

This concerns gasoline signs only

Speaking neither for nor against

Bob Corey

Why the proposed change?

Motion by Steve Dumont: Send to Council for approval. Seconded by Alison Nichols. All in favor. 6:0. Motion passed.

Workshop: Historic District Ordinance.

Matt Nazar gave an overview of the history and work accomplished by the City Council subcommittee.

Hold another workshop on May 26.

Minutes

Motion by Alison Nichols to accept the March 24, 2015 minutes as drafted. Seconded by Heather Pouliot and Steve Dumont. All in favor. 6:0. Motion passed.

Adjourn

Motion by Steve Dumont to adjourn at 9:40 p.m. Seconded by Justin Poirier. All in favor. 6:0. Motion passed.