

**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:** June 3, 2015

**RE:** **Shuman Family Second LLC**

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**SUMMARY OF REQUEST**

**Request:** The request is for a Minor Development review as per Section 4.5. The applicant proposes to construct a 3,500 square foot building at Charlie's Subaru.

**Owner:** Shuman Family Second LLC

**Applicant:** Shuman Family Second LLC

**Location:** Off Western Avenue

**Zoning:** Regional Business (CC) District

**Tax Map Number:** Map 16, Lot 31A and 32

**Existing Land Use:** Retail

**Proposed Land Use:** Automobile Business

**Acreage:** 2.13 acres (combined)

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**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. Agent authorization letter

## 5. Site Plan

### Areas of Concern

Staff recommends that the Board discuss whether the proposal is in compliance with the ordinance regarding Neighborhood Compatibility.

Staff recommends that the Board require the applicant to:

1. Submit a lighting specification sheet for the fixtures at the top of the poles which demonstrate that the fixtures are full cutoff and remove the fixtures that are half-way up the poles.

### Waivers

The applicant did not request any waivers.

### Staff Review

**The Bureau of Engineering** did not comment on the application.

**The Bureau of Code Enforcement** does not have any concerns.

**The Bureau of Planning** does not have additional comments.

### Lot Characteristics

*Impervious Surface Ratio* – The maximum allowed impervious surface ratio is .80. The proposed impervious surface ratio on Lot 32 is 0.80, which meets the standard.

*Floor Area Ratio* – The maximum allowed floor area ratio is .40. The proposed floor area ratio is 0.08, which meets the standard.

*Maximum Height* – The maximum allowed height is 42 feet. The proposed height is 18 feet ten inches (18' 10"), which meets the standard.

*Setbacks* – The required setback from Western Avenue is 35 feet. The proposed setback is approximately 235 feet, which meets the standard. The required setback from Brann Avenue is 10 feet. The proposed setback is approximately 17 feet, which meets the standard. The required sideline setback is 5 feet. The proposed setback is approximately 26 feet, which meets the standard.

### **CRITERIA FOR REVIEW OF A MINOR 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:* The proposed building will be used as a showroom. It will be to the west of Charlie's Collision Center. To the south and west, there are single-family homes.
- b. *Architectural Design:* The proposed building is one-story in height.
- c. *Scale, Bulk, Building Height:* The proposed building is one-story in height and is 3,500 square feet in size.
- d. *Identity, Historical Character:* The lot is located on the corner of Brann Avenue and Western Avenue. There are residences along Brann Avenue, with the exception of this lot. There are auto dealerships along Western Avenue.
- e. *Disposition and Orientation:* The building is oriented parallel to Brann Avenue and Charlie's Collision Center.
- f. *Visual Integrity:* Bufferyards are proposed to the south, west, and north of the display lot.
- b) *Privacy:* Bufferyards are proposed to the south, west, and north of the display lot.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions.
- d) *Property Values:* The project is not expected to have a significant detrimental effect on the value of adjacent properties.

Staff recommends that the Board discuss whether the proposal is in compliance with the ordinance regarding Neighborhood Compatibility.

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

The project is located in the Economic Growth Zone, which is described in the 2007 Comprehensive Plan. This area is expected to continue to be an economic engine for the city with significant retail 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:* Lionel Cayer, City Engineer, will be present at the meeting and can comment at that time.
- b) *Safe Access:* On March 10, 2015, the Planning Board approved, with conditions, a display lot on the parcel. One of the conditions specified that there would be no entrance / exit onto Brann Avenue. This proposal includes an entrance / exit off Brann Avenue.
- c) *Emergency:* Lt. Freeman, of the Augusta Fire Department, does not have any concerns regarding emergency access.
- d) *Movement/Parking:* Lionel Cayer, City Engineer, will be present at the meeting and can comment at that time.

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:* Public water service is proposed. Michael Morey of the Greater Augusta Utility District comments that there is sufficient capacity in the public water system for the project.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* Public sewer service is proposed. Michael Morey of the Greater Augusta Utility District comments that there is sufficient capacity in the public sewer system for the project.
- c) *Electricity/Telephone:* The applicant proposes to extend an overhead power line from Brann Avenue.
- d) *Storm Drainage:* Lionel Cayer, City Engineer, will be present at the meeting and can comment at that time.

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:* There are no known sensitive areas on the site.
- b) *Air Quality:* No air quality permits are required.
- c) *Water Quality:* The project has a Site Location of Development Act permit from the Maine DEP. No hazardous waste is proposed.
- d) *Sewage/Industrial Waste:* Sewage will be disposed of in the public sewer. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts:* The project is not in the shoreland district.

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 dimensional standards. There are no additional concerns regarding performance standards.
- b) *Noise:* The proposed use can be conducted so that noise will not exceed the performance levels specified in the ordinance.
- c) *Glare/Heat:* No glare or heat is proposed.
- d) *Exterior Lighting:* Two poles with light fixtures are installed. They have fixtures at the top of the poles and part way up the poles. The fixtures at the top of the poles may be full cutoff; however no lighting specification sheets are included in the application. The fixtures part-way up the poles are tipped toward the display lot. The applicant proposes to modify the pole mounted lights so that they meet the full cutoff standard. Full cutoff wall packs are proposed on the building.
- e) *Screening:* A Bufferyard A, with a minimum width of five (5) feet, is required along roads for auto display lots (section 5.2.2.2). The north and west bufferyards are at least five feet wide, which meets the standard.  
 A Bufferyard A is required to the south of the project and the abutting Low Density Residential (RA) District. The proposed bufferyard meets the standard.
- f) *Signage:* No signs are proposed.

Staff recommends that the Board require the applicant to:

1. Submit a lighting specification sheet for the fixtures at the top of the poles which demonstrate that the fixtures are full cutoff and remove the fixtures that are half-way up the poles.

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

E. S. Coffin has the technical ability to comply with the ordinance. The applicant plans to finance the project with funds in its checking account.

Staff recommends that the Board find that the applicant has sufficient financial and technical ability to comply with the ordinance.

#### **Pollution (Section 4.4.1.1 of the LUO)**

- a) *Floodplain:* The project is not in the 100-year floodplain.
- b) *Ability of Soils to support waste disposal:* Waste water will be disposed of in the public sewer.
- c) *Slopes effect on effluents:* Waste water will be disposed of in the public sewer.
- d) *Streams for disposal of effluents:* Waste water will be disposed of in the public sewer.
- e) *Applicable health and water resource rules:* Waste water 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)**

An erosion and sedimentation control plan was submitted.

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)**

Waste water will be disposed of in the public sewer. Solid waste will be disposed of at Hatch Hill.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sewage waste and municipal solid waste disposal.

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

There are letters on file from the previous review from the Maine Historic Preservation Commission, Maine Department of Inland Fisheries & Wildlife, and Maine Department of Conservation. There are no aesthetic, cultural, or natural values concerns.

Staff recommends that the Board find that the proposal 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.

**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 parcel is not within 250 feet of one of these natural resources. Not applicable.

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 proposal is not expected to adversely affect the quality or quantity of groundwater.

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 project is not in 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)**

There are no freshwater wetlands on the property.

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 river, stream or brook on the property.

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 site has a Site Location of Development Act permit.

**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)**

See the Performance Standards section.