

**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:** August 5, 2015

**RE:** Rocky's Stove Shoppe

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**SUMMARY OF REQUEST**

**Request:** The request is for a Major Development review as per Section 4.6, and a Conditional Use review as per Section 6.3. The applicant proposes to construct a 4,000 square foot retail building and a 4,000 square foot warehouse. Retail is a conditional use.

**Owner:** Rocky & Barbara Gaslin

**Applicant:** Rocky & Barbara Gaslin

**Location:** North Belfast Avenue

**Zoning:** Riggs Brook Village District (RBV)

**Tax Map Number:** Map 7, Lot 38E

**Existing Land Use:** Vacant land

**Proposed Land Use:** Retail

**Acreage:** 60.5 acres

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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. Plan set

**Areas of Concern**

Staff recommends that the Board require the applicant to:

1. Retail building:
  - a. Landscaping shall be added to the west side of the building, in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.i.
  - b. Building materials shall be "of low reflectance, subtle, neutral or earth tone colors", in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.ii.
2. Warehouse building:
  - a. Architectural features shall to be added to the north elevation and landscaping (abutting the building) shall to be added to all four sides of the building, in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.i.
  - b. Building materials must be "of low reflectance, subtle, neutral or earth tone colors", in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.ii.

**Waivers**

The applicant did not request any waivers.

**Staff Review**

**The Bureau of Engineering** does not have any concerns.

**The Bureau of Code Enforcement** does not have any additional comments.

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

**Lot Characteristics**

*Minimum lot size* – The minimum required lot size is 20,000 square feet. The lot is 60.5 acres, which meets the standard.

*Minimum frontage on Route 3* – The minimum required frontage on Route 3 is 300 feet. The frontage on Route 3 is approximately 600 feet, which meets the standard.

*Minimum depth* – The minimum required depth is 200 feet. The lot depth is over 200 feet, which meets the standard.

*Minimum front setback* – The minimum required front setback is 80 feet from Route 3. The proposed setback is approximately 108 feet.

**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:* The proposed project is on the parcel immediately to the west of the current location of Rocky's Stove Shoppe. The proposal is for a new location for the shop. There are several residences in the area.
  - b. *Architectural Design:* The proposed buildings are one-story with pitched roofs. The applicant submitted elevation plans.
  - c. *Scale, Bulk, Building Height:* Each of the buildings will be 4,000 square feet in size. The retail building will be 21'7 1/2" feet in height and the warehouse will be 23'9" in height.
  - d. *Identity, Historical Character:* There are a few businesses and residences along Route 3.
  - e. *Disposition and Orientation:* The retail building will be located at an angle to Route 3. The warehouse will be parallel to Route 3.
  - f. *Visual Integrity:* The buildings will be located close to Route 3. There will be some landscaping near the parking lot.
- b) *Privacy:* The nearest house is 230' from the proposed retail building.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal will not have a significant 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 Village Mixed District which is described in the 2007 Comprehensive Plan.

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, does not have any concerns regarding the traffic volume.
- b) *Safe Access:* Lionel Cayer, City Engineer, does not have any concerns regarding the access.
- c) *Emergency:* Lt. Freeman of the Augusta Fire Department does not have any concerns regarding emergency access.
- d) *Movement/Parking:* Lionel Cayer, City Engineer, does not have any concerns regarding traffic circulation or parking.

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:* A private well will be used.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* A private septic system will be used.
- c) *Electricity/Telephone:* Electric power is available from Route 3.
- d) *Storm Drainage:* Lionel Cayer, City Engineer, does not have any concerns regarding 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 access road and a drainage ditch will cross a wetland. A permit is not required from the Maine DEP for the wetland impact.
- 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 septic system. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts:* The proposal is not in the shoreland zone.

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 will comply with the dimensional standards.

*Riggs Brook Village Design Criteria: retail building*

In order to meet the standards, landscaping needs to be added to the west side of the building (Section 3.6.1.7.a.5.i). In addition, the building materials must be “of low reflectance, subtle, neutral or earth tone colors” (Section 3.6.1.7.a.5.ii).

*Riggs Brook Village Design Criteria: warehouse building*

In order to meet the standards, architectural features need to be added to the north elevation and landscaping (abutting the building) needs to be added to all four sides of the building (Section 3.6.1.7.a.5.i). In addition, the building materials must be “of low reflectance, subtle, neutral or earth tone colors” (Section 3.6.1.7.a.5.ii).

- b) *Noise:* There will be temporary construction noise.
- c) *Glare/Heat:* No glare or heat is proposed.
- d) *Exterior Lighting:* There will be full cut off exterior lights.
- e) *Screening:* There will be Bufferyard A plantings along the perimeter of the parking lot.
- f) *Signage:* All signs will comply with the ordinance.

Staff recommends that the Board require the applicant to:

1. Retail building:

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  - b. Building materials shall be "of low reflectance, subtle, neutral or earth tone colors", in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.ii.
2. Warehouse building:
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  - b. Building materials must be "of low reflectance, subtle, neutral or earth tone colors", in accordance with the Land Use Ordinance, Section 3.6.1.7.a.5.ii.

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

E.S. Coffin Engineering & Surveying has the technical ability to meet the terms of the ordinance. The applicant submitted an email which indicates that they have the financial ability to comply with the ordinance.

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 project is not in the 100 year floodplain.
- b) *Ability of Soils to support waste disposal:* A septic system will be used.
- c) *Slopes effect on effluents:* A septic system will be used.
- d) *Streams for disposal of effluents:* A septic system will be used.
- e) *Applicable health and water resource rules:* A septic system will be used.

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)**

There is sufficient water for the proposal.

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)**

A private well will be used. Not applicable.

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 is included in the application.

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)**

Sewage will be disposed of in a septic system. 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)**

The applicant has sent several letters to organizations to inquire regarding these impacts.

Staff recommends that the Board require the applicant to submit information that demonstrates that the proposal will not have an adverse effect on 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 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 not in one of these areas.

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 will not adversely affect 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)**

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)**

See the Resource Protection and Environment section.

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 not a river, stream or brook on or immediately adjacent to the parcel.

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 Act. 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)**

See the Performance Standards section.

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