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 Betsy Poulin, Assistant Planner

DATE: December 2, 2015

RE: PFG, Northcenter Foods

SUMMARY OF REQUEST

Request: The applicant proposes to construct a 201,845 square foot fenced, lighted parking area for their tractor-trailer trucks and some employee parking. The parking area is partially on land owned by PFG and partially on leased land from CMP with access being from the existing PFG site by crossing the railroad tracks. An emergency access to Sherwood Drive is proposed to remain and be available solely in the case that emergency services vehicles or PFG related vehicles need to access the site and are unable to get there from the primary access. The request is for a Major Development review as per Section 4.5 and a Conditional Use Review as per Section 3.6.3.1.2 and 3.6.3.1.4 (Shoreland Zoning LR and GD for the road and parking).

Owner: Performance Food Group, Inc, and Central Maine Power

Applicant: Performance Food Group, Inc

Location: Generally, North of PFG's existing site on land that is currently an abandoned gravel pit and an existing power transmission line.

Zoning: Contract PD – limited to Parking Services
Shoreland Zoning – GD and LR (General Development and Limited Residential)

Tax Map Number: Tax Map 54, Lot 1A, 3, 35
Tax Map 53, Lot 23A
Tax Map 2, Lot 2

Existing Land Use: PFG existing facility, Power Transmission Lines, former gravel pit

Proposed Land Use: Access drive and parking lot

Acreage: 18 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, Lease Agreement with CMP, and Rail crossing approval
4. Agent authorization letter
5. Site Plan
6. Stormwater management plan
7. Traffic study

Areas of Concern

Staff suggests there be additional conversation with the applicant about the following issues:

1. *The primary lot being developed for parking (the old gravel pit) may have a paper street on it, Sherwood Drive, created during an earlier subdivision of the Bonenfant lots and recorded at the Registry of Deeds. The street still shows on the city tax maps but the city abandoned any public rights that may have existed via inaction in 1997 and state law on paper streets. However, owners in subdivisions with paper streets may retain some rights to use the paper street even if an actual street never gets constructed. The applicant proposes to gate the access from Sherwood Drive and fence the proposed parking lot, which sits on top of the paper street. The applicant's attorney needs to provide an assessment of the status of the paper street and any rights that owners in the Sherwood Drive subdivision may retain to the area of the paper street, as gating and fencing could infringe on any rights, if any exist.*

2. *The railroad crossing is described as a "temporary crossing license" that is automatically renewed annually, unless it is terminated by either party with 30 days notice. The board should have a clear discussion and possibly a clear condition of approval related to the requirement that only emergency access is allowed from Sherwood Drive under any circumstance. If the rail crossing is terminated by the railroad, there are other possible ways to access the parking lot, besides Sherwood Drive. But the Board may want to ensure that Sherwood Drive never becomes the primary access to the parking lot.*

Waivers

The applicant requested a waiver from the landscaping and buffer plan requirement Section 4.5.2.23, as they are leaving substantial existing vegetation in place between them and adjacent uses, as described in the application.

The applicant requests a waiver to Section 5.1.1.3.g.ii related to internal planting cells for large parking lots in order to break up areas of 70 or more parking spaces. The purpose of these planting islands is largely moot, due to this parking area being in the middle of a heavily wooded area for much of the lot, and under high tension power lines for the rest of it, where plantings are not allowed as they would interfere with the electrical lines.

The applicant requests a waiver from Section 4.5.2.24 requiring a lighting plan, however, they have included a lighting plan in recent submittals.

The applicant requests a waiver from Section 4.4.1.16 related to Stormwater Management. Staff believes that all that is required by the ordinance has been provided and is satisfactory.

Staff recommends granting the first two waivers as per Section 4.14 of the LUO, given the circumstances outlined in this review and in the application. The last two waiver requests appear unnecessary, due to recent submissions.

Staff Review

The Bureau of Engineering does not have any additional comments.

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

The Bureau of Planning does not have any additional comments.

Lot Characteristics

Several lots are part of the proposed development

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 site is currently surrounded by woods and under power transmission lines. The nearest adjacent home is approximately 350 feet away, through the woods and uphill from the proposed parking lot. The proposed use as a parking lot will continue to be buffered by a significant stand of woods. The applicant states in the application that access to the parking lot from Sherwood Drive will only be for emergency situations. The board should discuss with the applicant potential noise from either idling trucks or refrigeration units on trailers. If this will be occurring, will the noise be an issue for the adjacent neighborhood?
   b. *Architectural Design:* No buildings are proposed. Not applicable.
   c. *Scale, Bulk, Building Height:* No buildings are proposed. Not applicable.
   d. *Identity, Historical Character:* The property has been most recently used as a power transmission line, which is a use that will remain, and a mineral extraction site (aka gravel pit).
   e. *Disposition and Orientation:* No buildings are proposed. Not applicable.
   f. *Visual Integrity:* With the exception of the cleared power transmission corridor, the area is surrounded by woods. The site, despite its size, should not be directly visible from surrounding properties.
b) *Privacy:* The proposed parking lot is located approximately 360 feet from the nearest adjacent use, which is a house on Sherwood Drive. That buffer is wooded. However, the

Board may want to discuss whether or not noise will carry to a level that this standard is not met and whether or not lighting for the site will meet this standard.

c) *Safety and Health:* The proposal appears to meet this standard.
d) *Property Values:* The proposal 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 accordance with Neighborhood Compatibility.

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

The proposal is in the North River Residential District which is described in the 2007 Comprehensive Plan. The plan recognizes this as a mixed use area and encourages all types of allowed development with appropriate buffering between commercial and residential uses. The buffering will help separate the use from the nearby residences.

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 does not propose additional traffic as a result of this application.
b) *Safe Access:* The applicant proposes to access the parking area from their existing site on Dalton Rd. Secondary, emergency-only access is planned to be off Sherwood Drive.
c) *Emergency:* The Augusta Fire Department did not express any concerns regarding emergency access.
d) *Movement/Parking:* The entrance and parking system will provide for smooth and convenient movement of vehicles. The proposal satisfies the parking capacity requirements. The applicant proposes to eliminate internal landscaped islands as this lot is intended for large truck and employee parking only. Internal landscaped islands provide physical cues regarding traffic patterns in lots used by the public, which is unnecessary in this lot. They also provide a visual break from large expanses of pavement in large commercial developments that are often lightly landscaped. This parking lot is surrounded by a heavily wooded area with no uses directly adjacent to the parking lot making internal vegetation unnecessary to visually break up the lot. The applicant requests a waiver to Section 5.1.1.3.g.ii related to internal planting cells for large parking lots in order to break up areas of 70 or more parking spaces. Section 4.14 grants the Board the authority to approve that waiver.

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:* No water is proposed to be provided on site.
b) *Sanitary/Sewer/Subsurface Waste Disposal:* No waste disposal will occur on site.

c) *Electricity/Telephone:* Power to the site will be for lighting of the lot.
d) *Storm Drainage:* A large detention pond is proposed to the west of the lot, partially on land PFG is negotiating the purchase of with Pan Am Railroad. A detailed stormwater plan is provided. The design of the pond is such that groundwater quality concerns are addressed. The site is a couple thousand feet south of the new GAUD wells. PFG's consultants met with GAUD and addressed their concerns.

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:* The applicant proposes to alter 4,159 square feet of wetlands. The impact is less than 4,300 square feet and does not require a DEP permit.
b) *Air Quality:* No air quality permits are required for the project.
c) *Water Quality:* A Maine DEP permit is required for water quality. An erosion and sedimentation plan is included in the application.
d) *Sewage/Industrial Waste:* See the Public Facilities section regarding sewage. No industrial waste is proposed.
e) *Shoreland/Wetland Districts:* The project is in the general development (GD) and limited residential, (LR) shoreland zones. The access road is within the GD zone and is a conditional use. The stormwater treatment pond and about 10 parking spaces are within the LR zone. The purpose of shoreland zoning is to protect water quality. The stormwater treatment facility is a water quality treatment facility. The LR zoning district allows parking as a conditional use and allows filling and earth moving of more than 10 yards of material as a permitted use. Mineral extraction is also a conditional use, and the detention pond has many similarities to a mineral extraction site. Staff is of the opinion that the proposed uses meet the standards of the ordinance.

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:* The parking area is proposed to have external pole lights as shown on the photometric plan. The Lithonia fixtures that are spaced are nighttime friendly with zero uplight.
e) *Screening:* The applicant meets the standard with the existing vegetation surrounding the proposed parking area.
f) *Signage:* No new 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)

Thayer Engineering has the technical ability to meet the terms of the ordinance.

The applicant has submitted a letter which indicates they have the financial ability to construct the parking area.

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 property is not in the 100-year floodplain.
b) *Ability of Soils to support waste disposal:* The proposal does not include waste disposal.
c) *Slopes effect on effluents:* See stormwater management section above.
d) *Streams for disposal of effluents:* See stormwater management section above.
e) *Applicable health and water resource rules:* See stormwater management section above.

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.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

See the Public Facilities section.

Soil Erosion (Section 4.4.1.4 of the LUO)

The applicant submitted an erosion and sedimentation control plan.

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. The applicant sent a letter to Lesley Jones, Public Works Director, to inquire whether there is sufficient capacity at Hatch Hill for the solid waste. The response is pending. The proposal will not generate additional solid waste.

Staff recommends that the Board require the applicant to:

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

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

The applicant sent letters to the Maine Historic Preservation Commission and the Maine Department of Inland Fisheries & Wildlife to inquire about whether there are any resources in the area. Responses are pending.

Staff recommends that the Board require the applicant to:

1. *Submit a letter from the Maine Historic Preservation Commission which indicates there will not be an impact on historic sites or archaeological resources.*
2. *Submit a letter from the Maine Department of Inland Fisheries & Wildlife which indicates there will not have an impact on significant wildlife habitat.*

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 within 250 feet of one of these 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 project is not expected to negatively affect the quantity or quality 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)

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)

See the Resource Protection section.

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 regulated by the Site Location of Development Law. And the applicant has submitted the appropriate application to Maine DEP.

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, provided a permit is obtained from Maine DEP.

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 Performance Standards above.

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