

**PLANNING BOARD MEETING  
MINUTES**

Minutes of the Augusta Planning Board meeting held on August 9, 2016

Board members present: Justin Poirier, Alison Nichols, Steve Dumont, Pete Pare, Delaine Nye, Bill McKenna

Board members absent: Corey Vose, Tom Connors

City staff present: Matt Nazar, Betsy Poulin

Guests present: Dave Nadeau, Jim Coffin, Jon Silverman

**Public Hearing: Major Subdivision. Proposed six lot subdivision on 20.27 acres of land, including five residential house lots and a vacant undeveloped lot. Property is in the Planned Development 2 District (PD2) and includes a Stream Protection 100 Shoreland Overlay District (SP100). Assessor's Map 6, Lot 43. Located on Blair Road.**

Matt Nazar notes the applicant's request to table to the next regularly scheduled meeting.

Delaine makes a motion that item number one for W.R. Rhea Associates be tabled to the September 13, 2016 Planning Board meeting.

Seconded by Steve.

Vote: 5:0. All in Favor. Motion passes.

**Public Hearing: Major Development. Application of the State of Maine for proposed infrastructure and parking improvements on the East Campus. Proposed parking and sidewalks add 1.7 acres of impervious surface to the property. Improvements are in the Institutional/Business/Professional Subdistrict (BP). Assessor's Map 10, Lot 8. Located between Arsenal Street and Hospital Street.**

Matt Nazar gave an overview of this agenda item.

Justin: Can you clarify what the Planning Board's review covers for this project?

Matt: The curved parking areas, the new parking along Hospital Street and new parking within the development.

Applicant: Dave Nadeau of Stantec Consulting Services has been contracted by the Bureau of General Services for engineering services. The campus population has expanded over time and the layout of the parking and walkways on site isn't as efficient as it could be. The intent is to better distribute the parking around the campus to access those buildings primarily used. Lighting proposed is full cutoff LED.

Delaine: As a member of the public, visiting the campus, she does understand the need to upgrade the parking facilities. Section 1.2 of the project description notes that anticipated development of the buildings will exceed current capacity and the governor notes cutting jobs.

Dave: The parking study looked at existing usage and what could the maximum usage of the campus be in the future. The proposed parking will meet the future demand.

Delaine: What does BMP mean?

Dave: Best management practices.

Public Hearing Opened:

Public to Speak in Favor of the Application:

Jon Silverman. 14 Congress Street. Speaking in favor of the project and in favor of the campus being redeveloped. Curious about the timetable for this project. They live about a half a mile away. He is also the president of the Central Maine Astronomical Society. A paper was submitted to the American Medical Association and accepted by them about types of lighting and how it affects human and animal activity. Certain types of lighting used can create light pollution and is he is hoping the development will take this concern into consideration.

Matt: Full-cutoff fixtures will be used, not to spill light up. As far as color, the city has not regulated this item.

John Silverman: The full-cutoff fixture is good, but there is no such thing as a white LED. The blue LED is filtered to make a whiter light. The color of the LED lighting is important; some can still create a light dome.

Justin: The planning board doesn't have the ability to make these decisions, but the City Council could make new standards to follow.

Public to Speak Against the Application: None.

Public to Speak Neither for Nor Against the Application: None.

Dave: Wants the parking areas ready by the end of the year. Hope to bid the project in the next few weeks. The rehab areas are on a different schedule and could be in construction at the end of the month. In regards to the lighting, the campus is replacing all of their lights on the site with LED's. Stantec has been instructed to match the existing lighting.

Delaine: The lights being replaced, are they all currently full-cutoff?

Dave: I believe so. He hasn't been directly involved with this portion of the project.

Matt: Long term maintenance and operational cost is a reason many people are changing to LED's.

Alison: GAUD had requested the backflow piece and a structure to be built around it. Noticed that the new plans from the state did make these changes, would we need to make a finding?

Matt: No finding is necessary. GAUD will require this to be constructed to protect the water supply.

Alison: This is concerning the application of The State of Maine for a Major Development Review as per Sections 300-405 and 300-603.E. The applicant proposes infrastructure and parking improvements for their East Campus, adding 1.7 acres of impervious surface and altering storm drainage systems. The East Campus project is located between Arsenal Street and Hospital Street in the Institutional/Business/Professional District (BP) and can be found on Tax Map 10, Lot 8.

I have considered and agree with both the Findings of Fact and Conclusions of Law in the staff review.

I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following condition. This condition shall be met prior to the Signature of Approval on the Site Plan. If this condition is not met within one year, the applicant must come before the Planning Board for review of the condition.

1. The Maine DEP Site Location Development Act permit must be issued prior to the start of construction.

This Conditional Approval shall expire within 18 months of the date of approval if a permit has not been issued by Code Enforcement for the site and building work by that date.

I move to approve the application as stipulated above.

Seconded by Delaine.

Vote: 5:0. All in Favor. Motion passes.

**Public Hearing: Conditional Use. Application of Kenneth Knight for a proposed expansion of a non-conforming use, automobile business. Project includes partial demolition of an existing building in the same location of the proposed expansion. Property is in the Rural Ponds District (RPDS). Assessor's Map 4, Lot 107B. Located at 3327 North Belfast Avenue.**

Steve makes a motion to postpone the review of this project to September 13, 2016 as requested by the applicant.

Seconded by Delaine.

Vote: 5:0. All in Favor. Motion passes.

**Public Hearing: Minor Development and Conditional Use Amendment. Application of R.A. Cummings, Inc. to blast for construction of a garage at their Auburn Concrete facility. Project previously approved by the Planning Board on May 10, 2016. Assessor's Map 1, Lot 37A. Located at 2 Hard Rock Road in the Planned Development District (PD).**

Matt Nazar gave an overview of this agenda item.

Peter: Does Auburn Concrete have planned blasts during the year typically?

Matt: No, this is not an approved quarry. The only reason blasting would occur at this site would be for construction.

Delaine: Intrigued to see that GAUD has two large water tanks close to the property.

Matt: One is set in the ground, blasting was done to create the tank on site. This was constructed within the last 5 years. It is the main supply for this this portion of the City. GAUD has been notified about the blasting.

Alison: Wants a clarification about how GAUD constructed the new tank, blasting right next to it?

Matt: Yes, this is true.

Pete: How much blasting is occurring?

Matt: This is a good question for the applicant.

Jim Coffin, representing the applicant. Talked with Maine Drilling and Blasting today about how they will control the blast and take measurements. They will put seismographs on the property line and at the water tank. They will use a jaw crusher on the site to turn the stone that is blasted into gravel. The existing wall does create a shield for noise. Water is sprayed on the rock as it goes through a conveyor to control the dust.

Pete: How many blasts?

Jim: They want to blast it all within a week, but he doesn't have a clear answer. In 2010, Auburn Concrete approached the Planning Board to blast on the site for quarrying, but it was not approved.

Alison: Would the crusher be used during normal hours?

Jim: Yes, during normal business hours.

Matt: There haven't been any complaints that he knows of.

Steve: Could an excavator with a jackhammer be used to remove the stone?

Jim: No.

Alison: This is concerning the application of R.A. Cummings Inc., for an Amendment to the Minor Development and Conditional Use permits approved at the May 10, 2016 Planning Board Meeting. The applicant proposes to blast 2,000 cubic yards for construction of the previously approved 1,920 square foot garage. The project is located at 2 Hard Rock Road in the Planned Development District (PD) and can be found on Tax Map 1, Lot 37A.

I have considered and agree with the Findings of Fact in the staff review and would like to add the following finding:

1. The applicant has requested three waivers, one from the Stormwater Management requirements, one from the Traffic Report requirements and one from submitting 10 copies of the deed. As property ownership has not changed since the May 10, 2016

approval, and since staff has no concerns and supports these waiver requests, these waivers are granted.

I have also considered and agree with the Conclusions of Law.

I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following condition. This condition shall be met prior to the Signature of Approval on the Site Plan. If not met within one year, the applicant must come before the Planning Board for a review of this condition.

1. A Blasting Permit shall be obtained from the City of Augusta prior to any blasting.

I move to approve the application as stipulated above.

Seconded by Delaine.

Vote: 5:0. All in Favor. Motion passes.

**Public Hearing: Land Use Ordinance and Technical Standards Handbook Revisions.  
Outdated reference updates.**

Matt Nazar gave an overview of this agenda item.

At a previous meeting, the Board decided to recommend to City Council removal of references to the 1988 Growth Management Plan from multiple areas of the Land Use Ordinance. One area remained and staff recommends to remove the italicized text, which is commentary/guidance.

This item would go to the City Council for their amendment. The next item to discuss is a change to the Technical Standards which the Planning Board can modify on its own.

Delaine: Some of the language looks familiar in relation to the BZA review of the recent subdivision.

Motion by Delaine to recommend the changes at outlined in the staff memo to City Council.

Seconded by Steve.

Vote: 5:0. All in Favor. Motion passes.

The next item is changes to the Technical Standards Handbook. Several changes were made to the Land Use Ordinance in regards to the Riggs Brook Village District, but the Technical Standards Handbook was not revised. The proposal is to eliminate the paving requirement for areas outside the urban compact, even if it is in the growth area, or in the Riggs Brook Village District. The other option is one which the Board could take, is to make paving a private lane waivable.

The other changes in the document are references to the former Augusta Sanitary District and Augusta Water District which is now the Greater Augusta Utility District. Other revisions are references to specific sections of the Land Use Ordinance, which has been recodified.

Page 29, Item E near the top of the page, notes the paving standard. Page 28, Number 2, allows a waiver from the Stormwater Board, this approach could be used for Item E, possibly to be waived by the Planning Board.

An individual is considering building 2 duplexes, which would require paved access as the current standards require. The property is on South Belfast Avenue which the Planning Board previously reviewed adjacent to Riggs Brook.

Delaine: A paved road is considered impervious, but a gravel road isn't?

Matt: No, a gravel road is considered impervious due to the fact that it is compacted.

Delaine: If it is a gravel private road, and the owner would want it to be accepted as a City street, could it be accepted?

Matt: Typically, the owner would need to bring it up to City Standards to have it accepted by the City. The City hasn't accepted a street in the last 10 years or so.

Delaine: Sees how the paving could be cost prohibitive and not as good for the environment.

Pete: Private lanes and roads are not owned or supported by the City, so it seems unnecessary to regulate.

Alison: If someone wants to pave, they could.

Delaine: Are school busses required to go down private lanes?

Matt: Not sure. The road would need to be constructed to the private lane standard presumably for a bus to use the road for access. The technical standards have an increased construction standard over a driveway.

Delaine: Makes a motion in to revise the Technical Standards Handbook as noted in the revised document and in the staff memo.

Seconded by Alison.

Vote: 5:0. All in Favor. Motion Passes.

Minutes:

Motion by Steve to accept the minutes as written.

Seconded by Alison.

Vote: 5:0. All in Favor. Motion passes.

Matt: The City Council passed a moratorium in the BP and RB1 district for Group Homes / Rooming Houses / Boarding Home. The City Council is looking to the Planning Board for

guidance to clarify the ordinance. There is a property within this area, the St. Mark's property, which could be affected by the moratorium.

Could the Board hold a workshop in two weeks to review the details? The City Council would like to have clarification sooner than later as several properties could be affected.

The day before the moratorium, the Board of Zoning Appeals heard an appeal relating to the definition of Rooming Houses/Group Homes and overruled the Code Enforcement Officer's decision to deny the building permit. The issue hadn't come up before, and clarification is required.

Pete: Would the BZA's decision be an allowed use with any changes to the ordinance?

Matt: Has concerns about any project in these districts moving forward with clarity. This issue hasn't come up in the last decade, and more projects for these uses are being proposed.

Pete: It would be good for the property owners to clarify as soon as possible.

Matt: Yes, clarity for owners and for Council would be good. The Board probably does not have the background knowledge yet to make an informed decision, so a workshop would be good.

Pete: There is a lot of energy around the proposal which went before the BZA, has a decision already been made in regards to this matter by the Council?

Matt: He believes the Council has not already made a decision. Several projects have come up recently in relation to these definitions. A listening session would probably bring a full room.

Justin: Would like to suggest having the Workshop on September 13<sup>th</sup> Meeting, then have the public hearing September 27<sup>th</sup> to focus on this issue solely.

Delaine: Considering the strong interest in this matter, feels a workshop and public hearing could be held August 23<sup>rd</sup>. Consider a 5 minute limit to speaking. Would like to have our current definition and those of other municipalities for review at the meeting.

Matt: Understanding from Delaine that a public meeting would be good to hear peoples views, not a public hearing.

Justin: Feels some background information would be good for the Board before having public involved.

Matt: Recommends to the Board to watch the City Council meeting, this item was discussed for over two hours. Public Hearing was held up front, they went through the agenda, then went through the business part of the agenda, then there was council conversation at the end. The discussions are spread out through the meeting.

Justin: Feels having a staff review/suggestions could be very helpful for the Planning Board.

Alison: Feels there could be not enough time on September 13<sup>th</sup>, as two items are already postponed to that meeting.

Pete: There are two ways to approach data collecting sessions. The first meeting could be used for data collection. If some text is already proposed, that can cause problems. He is ok with this procedure if others are fine with it.

Steve: Would like to have the definition first.

Matt: Can provide the Board with background and discussion for options. The table of uses has Group and Boarding Homes. The definitions section has Group Homes and Boarding Homes, but not Rooming Homes. Also there is no definition for Homeless Shelter, and it is not in the Land Use Chart.

Pete: Sober Houses are another use, especially in Portland area, which should be considered. Some are proposed in Hallowell now, curious how these would fit in the ordinance.

Delaine: Can we look at this definition as well?

Matt: Sober House/Recovery House are becoming more common. There are house rules, no treatment.

Alison: Are they different from rehab?

Pete: Most rehab has treatment included, but sober houses would not.

Matt: This use is serving a particular population.

Schedule an August 23<sup>rd</sup> Public Meeting.

### **Adjourn**

Motion by Pete to adjourn at 8:32 pm.

Seconded by Steve.

Further Discussion. None.

Vote: 5:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.