

**PLANNING BOARD MEETING  
MINUTES**

Minutes of the Augusta Planning Board meeting held on October 11, 2016

Board members present: Justin Poirier, Steve Dumont, Pete Pare, Delaine Nye, Bill McKenna, Corey Vose, Tom Connors, Dorean Maines

Board members absent: Alison Nichols

City staff present: Matt Nazar, Betsy Poulin

Guests present: Keith Edwards, Cecil Munson, Robert Weaver, John Blais, Mary Mayhew, Ben Madden, Ricker Hamilton, Sam Adolphsen, Margaret Lamb, Bill Harke

**Public Hearing Tabled from August 9, 2016 Meeting: 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.**

Matt: Ken Knight is unable to make it to tonight's meeting and has requested to be tabled to the next meeting.

Corey: Motion to table to the November 15<sup>th</sup> meeting.

Steve: Seconded.

Vote: 7:0. All in favor. Motion passes.

Tabled to November 15, 2016.

**Public Hearing: Major Development. Application of the State of Maine for a proposed secure forensic rehabilitation facility, for 21 residents, adjacent to the Riverview Psychiatric Recovery Center on the East Campus. Improvements are in the Institutional / Business / Professional Subdistrict (BP). Assessor's Map 10, Lot 8. Located near 250 Arsenal Street.**

Tom: Recused himself from this item.

Justin: Also recused himself.

Corey, the Vice Chair presides.

Matt Nazar gave an overview of the project. Further information from the applicant has clarified the defined use for the building, it is a Group Home. The application was submitted before the moratorium, therefore unaffected. The Board can review this agenda item.

The Board has no questions for Matt at this time.

Pete: Is there a maximum capacity for a group home in Maine?

Matt: This is a good question for DHHS.

Pete: Sees 22 beds on the plans, not 21, how many are proposed.

Matt: This is also a good question for the applicant as well.

Applicant presentation:

John Blais, Property Director for Bureau of General Services (BGS). It is a 21 bed unit as stated. DHHS can comment about the use of the facility. A design-build is being done for this project. Three potential candidates, one should be selected by the end of the week. The contract should be signed in November and the project should be completed in November 2017. The nearest residence is over 900 feet away. Hospital Street is 1200 feet away. The CARA fields are over 2,000 feet away. The MDEP permit should be issued by the end of the week.

Pete: Are there 21 or 22 beds?

Steve: The intent is a 21 bed facility and the extra bed is for staff.

Matt: There is a room labeled "quiet room" and DHHS could be asked about this.

Delaine: Still has concerns about security. Could you explain the doors on the plans?

Steve: There are no doors that freely open directly outside. They are secured.

Delaine: The door on the right is a locked single door?

Steve: Yes. This is a secured facility.

Mary Mayhew, Commissioner of DHHS: There are 21 beds. The quiet room is for someone who needs to be removed from the situation, to calm down, and to adjust to the environment. There is no cap for the amount of people for this type of facility. The clients in this population are not subject to a population cap, because they are not subject to federal Medicaid reimbursement requirements.

Delaine: Would you elaborate on the security of the building? If there is inadequate staff, there could be a concern.

Mary: This is not staffed by Riverview. The operational services will be part of a competitive bid process to provide treatment services for individuals within the facility. There will be very clear expectations from DHHS for the 24/7 operations of the facility.

Delaine: The care will be a private company, not by the state?

Mary: Yes. It is a private agency contracted by DHHS. When the court releases a resident, DHHS will still have oversight.

Delaine: Concerned about adequate staffing issues at Riverview. Would this be the case at the new facility?

Mary: A provider will be required to meet all requirements, goals, expectations and outcomes of DHHS. When a psychiatrist notes that a resident can be released, the court still needs to sign-off. \$12-1300/day for a resident at Riverview for hospital level of care. Patients are currently held across the state who are waiting for a bed at Riverview.

Delaine: Still concerned about security.

Mary: The plans will be reviewed thoroughly.

Pete: For these individuals who no longer require hospital level of care, and are transferred to this facility, if this is neither hospital or correctional, and they are kept there by the court, how is this different from a correctional facility?

Mary: Per Maine law, DHHS requires that the court oversees the care of residents until they are released (if ever). This facility will fill a need required in the state.

Delaine: If they are not receiving a hospital level of care, how will DHHS oversee assessment of residents?

Mary: The same process used in Riverview today. State forensic clinicians and others will be called upon for evaluations prior to patients receiving special privileges.

Delaine: On any given day, what will the staffing be throughout the day and what sort of makeup will the staff consist of?

Mary: A Level 4 Care facility has specific standards for amount of staff and levels of specialties. DHHS wants to be open to innovative, best practices for the facility. DHHS will meet the standards and wants to have a good facility.

Delaine: Lives a half a mile from this building, and wants reassurances that the facility will be adequately staffed and secure.

Mary: Adequate levels of staff will be provided.

Pete: If you could fill these beds today, where would the residents come from?

Mary: They are all from Riverview.

John: The security at Riverview is managed by DHHS, in a BGS building. There is an addendum to the application with a global change including no razor wire and no cuff-ports in the doors.

Pete: Could you clarify what cuff-ports are?

John: A hole in the door for cuffs to be installed. The plans submitted for review are bridging documents, to get construction started in a timely manner.

Pete: Would the residents in the future only be from Riverview?

Mary: Yes.

Pete: Wants the neighborhood to be safe. This is partly a financial decision to create a new building?

Mary: The Riverview hospital lost federal certification, and the only reason they cannot get the certification back, is because there is a population within Riverview not requiring a hospital level of care.

Dr. Ann LaBlanc, resident of Augusta, from the State's forensic services: Many patients are part of the outpatient services. They are evaluated by State employees, 2 psychiatrists, 1 psychologist, social workers, and caseworkers. They may participate in outpatient vocational counseling. They do participate in weekly group treatment. See a caseworker weekly. Any change in privileges requires an institutional report from all staff who the patient works with. Sometimes the state forensic service does not agree with the institutional report. All of this information is reviewed by the Court prior to issuing changes to the court order.

Steve: Still has concerns about the side door, not having a double door. He worked in Warren's correctional facility. A double door should be used.

John: This can be addressed in the design-build documents.

Matt: Pete, would you elaborate on other conversations you had with the public?

Pete: What he discussed already tonight covers those conversations.

Delaine: The cuff ports, could you elaborate on this?

John: These were accidentally part of the documents, but never should have been in the plans. Used in jail facilities.

Dorean: The facility is something new, neither hospital or prison, are there standards for this type of facility? Will it function correctly in regards to the public?

John: DHHS classifies and licenses the facility. They worked with BGS to create this design.

Steve: Where do residents go during a fire?

John: A life safety plan is part of the operational bidding process. Safety of residents is a high priority.

Sam Adolfson, COO of DHHS: There would be an approved fire safety plan like at Riverview. There are fire-rated doors separating each wing. The situation can be evaluated on an on-going basis. Capitol police are notified. There is the outdoor recreational area residents can be directed to. The cuff port was part of just the safe room, but it was really just a food port in the door. There are 4 ways to leave the building; the main entrance has double doors. There are three doors to go through out the rear of the building. Exiting the doors requires scanning of cards.

Delaine: Incidents at Riverview have included injuries of staff and residents. What will be done at this facility to help avoid these issues?

Mary: Appropriate staffing levels have made a significant impact for reducing injuries to patients and staff at Riverview. This would apply at the new facility. Violence would still require a hospital level of care, therefore the patient would not be transferred out of Riverview.

Matt: Could re-open to the public for comments.

Anyone to speak in favor of the application?

Anyone to speak against the application?

Peggy Lamb, lives on Kelton Road. Appreciates concerns about safety. Feels state employees have a high level of competence, but is concerned about privatization. Federal prisons are moving away from privatization. Concerned with the noise level, Riverview has a humming noise which affects her neighborhood. Hopes special attention will be paid to the noise level when this is built.

Anyone neither for nor against the application?

Cecil Munson at 760 Riverside Drive. What happens if someone gets out of control? Are there enough staff? How is this different from a group home already existing in the community?

Public comments closed.

Applicant to respond to questions.

John: Point source heating and cooling. Ductless mini-splits. Each wing will be heated and cooled separately. No large unit as part of the design so it will be quiet.

Public Hearing Closed.

Delaine: Has concerns about the final design being significantly different than what is presented tonight. Is it reasonable to ask the applicant to come forward with a final design?

Matt: This is a permitted use in the district. Is there a specific item in the Land Use Ordinance the Board has a concern with?

Delaine: Neighborhood compatibility.

Matt: This standard can be used to make minor modifications to the use, especially when it is permitted in the district. He recommends against denying based on this standard.

Delaine: Concerned about safety.

Matt: Level 4 Facility, licensed by DHHS, has a set of standards which need to be followed. He would want to talk with corporation council prior to speaking about DHHS's rules.

Corey: Are the exits of the building part of the review standards?

Matt: He cannot speak to this, without speaking with corporation counsel.

Corey: Concerned about lowering the standards.

Matt: Standards should not be lowered. We rely on the state's standards.

Delaine: Could this be tabled to hear from corporation counsel?

Matt: The Planning Board could hire a consultant to review the plans, as staff does not have the expertise.

Pete: Is in a quandary, the board is to approve the building, not the building's functions. It is a permitted use. Certain criteria should be met for the Planning Board. The state is responsible for the facility. The Planning Board is not the policing arm. This is not a traditional group home. We know who is going to be housed in the facility. We are to review the project to see if meets the criteria of the ordinance, and he feels it does. There could be changes to the plans approved tonight.

Matt: A condition could be placed on the approval to address the level of change which could occur. For example, the building footprint, the outdoor area, etc. Typically if a building is approved by the Planning Board, and if changes are significantly different, the plan would go back to the Planning Board. With respect to the internal layout of the building, the Planning Board has no authority over what happens in the walls.

Corey: How about the exits?

Matt: An additional sally door has been brought up, and this can be a condition of approval.

Delaine: Does not know anything about how to design these facilities, but sees a double door should be added.

Pete: If he makes a motion, it would be to approve. Some of the Board's concerns are worth discussing further for future projects.

Corey: Would your motion be with or without conditions? In particular the extra door.

Pete: There was a condition in the Draft Findings of Fact referencing MDEP permit approval.

Matt: This would still be an appropriate condition.

Corey: If there is no further discussion, he would like a motion.

Delaine: Presence of double doors at each exit to the building. The north door does not have this.

Pete: Makes a motion that the State of Maine's proposed secure forensic rehabilitation facility located on Map 10, Lot 8 in the BP Zone on the East Campus is a permitted use and can be

approved. The following conditions should be added. The Maine DEP permit must be issued prior to start of construction and a double door exit/sally port shall be added to the northern exterior door.

Bill: Seconded.

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

5 minute recess.

**Public Hearing: Minor Development and Conditional Use. Application of John Zdimal of Avangrid/Iberdrola USA, for a 1,669 SF building addition to the garage/loading dock area of their Central Maine Power Service Center. Property is in the Low Density Residential District (RA). Located at 57 Old Winthrop Road.**

Matt Nazar gave an overview of the project. This is a conditional use, expansion of a non-conforming use in residential district.

No questions for Matt.

Applicant:

Bill Harke, Architect for Labella Associates. The loading dock is 5-6 feet wide inside now, and it needs to be expanded about 6 feet. The trucks CMP is using now are longer as well. The addition is only about 9 feet deep, by 14 garage bay long.

Anyone to speak in favor of the project?

Anyone to speak against the project?

Anyone to speak neither for nor against the project?

Corey: Makes a motion to approve the project as stated in the staff review.

Delaine: Seconded.

Vote: 7:0. All in favor. Motion passes.

**Public Hearing: Minor Development. Application of Redzone Wireless for co-location of broadband internet service antennas on an existing 190 foot tall monopole tower. Property is in the Rural Ponds District (RPDS). Located at 49 Shaw Road.**

Matt Nazar gave an overview of the project. Co-locations on an existing tower need to come back to the Planning Board, unless pre-approved. A number of waivers have been requested because the applicant is putting antennas on an existing tower and some small equipment will be on the ground. No generator is proposed.

Justin: Are co-location pre-approvals given a limit?

Matt: If additional generators or lighting are proposed, review could be required by the Planning Board. If the equipment fits in the existing fenced area, then they could be reviewed at the building permit level only.

Delaine: What does co-location mean?

Matt: Additional antennas placed on the same pole, with any associated equipment being placed within the fenced area.

Pete: Originally co-location came to the Planning Board for which reasons?

Matt: Review could be in case there was a generator, lighting, or additional site visits for equipment maintenance are typical reasons.

Delaine: Would only a building permit be required?

Matt: Yes.

Delaine: I remember this being up in the woods.

Applicant: Ben Madden here to answer any questions.

No public is here to comment.

Corey: Anyone have issues with co-location?

Delaine: In the matter of the RedZone Wireless at 49 Shaw Road, Map 11 Lot 146 in the Rural Residential Zone, finds the application acceptable moves to approve it. And further that this application allows the co-location of other antenna on the existing pole within the fenced area.

Corey: Seconded

Vote: 7:0. All in favor. Motion passed.

Motion by Delaine to accept the minutes as written.

Seconded by Corey.

Vote: 6:0:1. Pete abstained. Motion passes.

Next meeting is October 18, 2016.

Delaine: Would like more information about group homes in regards to tonight's application.

Matt: Will speak with Corporation Counsel.

Corey: Strongly agrees with Delaine.

Dorean: Could we get a listing of the levels of classifications for group homes?

Matt: Yes, there are multiple different licensing levels.

### **Adjourn:**

Motion Corey to adjourn at 8:58 pm.

Seconded by Delaine.

Further Discussion. None.

Vote: 7:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.