

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

February 16, 2007

Agenda for the regular City Council meeting to be held Tuesday, February 20, 2007 at 7:00 p.m., Council Chambers, City Center.

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Public Utilities Commission to Augusta Civic Center
by Kurt Adams, Chair

PRESENTATION - Public Works by John Charest

PUBLIC HEARING - Application for \$250,000 of CDBG Housing Assistance
(HA) for funding of Cony Village, LLC

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

032 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held February 5, 2007 submitted by the City Clerk be approved.

033 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$4,100.00.

034 Mayor Katz
ORDERED, That Donald S. Cameron be reappointed to the Conservation Commission; said term to expire December 31, 2009.

035 Mayor Katz
ORDERED, That Mackenzi Keliher be appointed to serve on the Conservation Commission; said term to expire February 20, 2009.

036 Mayor Katz
ORDERED, That Herbert R. Doten be reappointed to the International Code Council; said term to expire January 12, 2012.

OLD BUSINESS AND TABLED MATTERSHAS BEEN READ, FIRST READING

027 Manager (Department of Economic Development)
WHEREAS, the City Council requested that the Planning Board review the definition of a major development and consider reducing the size threshold to qualify projects as a major development requiring Planning Board review; and

WHEREAS, the Planning Board held a public hearing on January 9, 2007, and voted to recommend the threshold be reduced from 3 acres of impervious area to 1 acre of disturbed area to the City Council for approval; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following text amendment be approved.

Amend Section 2.2 of the Augusta Land Use Ordinance, Additional Definitions, as follows:

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

1. Major development: A major development is any new or redeveloped non-residential or multi-family residential project that disturbs one (1) acre of land or more. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more. Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface. Structures which together with parking lots and other impervious surface, cover a ground area in excess of three (3) acres. For purposes of Augusta's Municipal Review Authority of projects subject to the State of Maine Site Location of Development Law, major development shall also include subdivisions in excess of twenty (20) acres as defined in Maine Revised Statutes Annotated Title 38 Section 482 as amended.

2. Minor Development: Requiring a permit from the CEO if

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

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listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

This amended ordinance specifically applies to all pending building permit applications, other than fully completed applications received by the City prior to midnight January 29, 2007. A fully completed building application is defined as the submission of all necessary plans and other information required for approval of the site plan and final building permit.

028 Manager (Department of Economic Development)
WHEREAS, the 1988 Growth Management Plan for the City of Augusta encourages Augusta become a communications and high tech hub; and

WHEREAS, the current zoning ordinance prohibits the construction of wireless communications facilities in the eastern third of the City; and

WHEREAS, Verizon Wireless petitioned the Augusta Planning Board in November of 2006 for a text amendment to allow the construction of a wireless communications facility in the Rural Ponds District at the Department of Conservation Bolton Hill facility; and

WHEREAS, the Planning Board held a public hearing on January 9, 2007, and voted unanimously to modify the text of Section 2.2, Additional Definitions, of the Land Use Ordinance and the various districts where such a use would be a conditional use.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following amendments to the Land Use Ordinance be approved.

Amend Section 2.2 of the LUO as follows, putting the definitions in proper alphabetical order:

Utility, municipal or public/communications facility: For the purposes of this ordinance, a municipal or public utility or communication facility includes the following: Central Maine Power, New England Telephone, Augusta Water District, Augusta Sanitary District, State Cable T.V., a private telephone company or paging service, any utility regulated by

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

028 Continued
the Maine Public Utilities Commission, and any other commercial communication tower.

Major municipal or public utilities/communication facilities include water, sanitary treatment plants; electric transmission lines; electric generation plants; microwave, radio and other commercial telecommunications transmitters and towers.

Minor municipal or public utilities/communication facilities include pumping and pressure control stations; standpipes, reservoirs, wells and other water storage structures; telephone equipment huts (over 200 square feet); and electricity regulating substations.

Wireless Municipal or Public Utilities and communication facilities means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or pager services.

Further amend Sections 3.6.1.1.1, 3.6.1.1.2, 3.6.1.1.3, 3.6.1.1.4, 3.6.1.2.2, 3.6.1.3, 3.6.1.4, 3.6.1.5, 3.6.2.1, 3.6.2.3 of the LUO adding the use Wireless Municipal or Public Utilities and communication facilities to the list of Conditional Uses in the RA, RB1, RC, RD, BP, KBD1, KBD2, CB, CC, CD, IA, PD, RR, and RPDS districts.

029 Manager (Department of Economic Development)
WHEREAS, the Unitarian Universalist Community Church petitioned the Augusta Planning Board on December 8, 2006, for a contract rezoning of their property at 6 Summer Street (Map 34, Lot 191); and

WHEREAS, the Planning Board held a public hearing on January 9, 2007, and voted unanimously to recommend the requested contract rezoning to the City Council for approval; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following contract rezoning be approved.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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The lot known as Assessor's Map 34, Lot 191 shall be Contract Zoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new zone shall be the Institutional/Business/Professional subdistrict (BP) with the following restrictions: 1) The use of the lot shall be Religious Activities and Associated Uses; 2) This parcel shall be exempt from the City's off-street parking standards, provided that the minimum number of spaces required for a development shall be available on a public street within 1,000 feet.

030 Manager (Department of Economic Development)

WHEREAS, the City Council set as one of their goals in January of 2006 the rezoning of the area around the new cancer center for medical uses; and

WHEREAS, the Planning Board held a public hearing on January 9, 2007, and voted to recommend the medical district rezoning to the City Council for approval; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following rezoning be approved.

Amend Chapter 3 of the Augusta Land Use Ordinance, adding a new Section 3.6.1.8 as follows:

Medical/Hospital District (MED):

(a) Purpose: The City recognizes that the construction of a major medical facility on Old Belgrade Road in 2006 resulted in an interest from other medical services providers to locate near the facility. The purpose of this district is to allow certain additional uses within the geography with specific design criteria.

b) Uses and Dimensional RequirementsPermitted Uses (requiring a permit from the CEO)

One and two family dwellings*; private garages; home occupations; accessory residential uses; day care centers; group and boarding homes.

*Note: For type "1" Manufactured Housing see section 5.2.10.2 for requirements.

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HAS BEEN READ, FIRST READING (Con't)

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Conditional Uses (requiring public hearing and Planning Board review before CEO approval):

Hospitals, clinics and health centers; Pharmacies and other retail medical sales; business, professional, and government office; Nursing Home; Religious activities and associated uses; Veterinary.

Dimensional Requirements

<u>USE</u>	<u>Min Lot Size</u>	<u>Minimum Frontage (Feet)</u>	<u>Minimum Depth (Feet)</u>	<u>Area Per Dwelling Unit</u>	<u>Min. Front Setback** (Feet)</u>
<u>All Uses</u>	<u>20,000 Sq feet</u>	<u>150</u>	<u>100</u>	<u>20,000*** Sq feet</u>	<u>20/35</u>

Minimum side/rear setbacks are flexible; see sections 5.1.1 and 5.1.16.

**Minimum front setback: 35 feet from street line of arterial and collector streets; 20 feet from the street line of all other streets.

***May be reduced to 10,000 square feet per dwelling unit if served by public water and sewer.

c) Design Criteria. The following minimum design criteria shall be met within the Medical/Hospital District:

1. Outdoor Lighting Standards: The purpose of this section is to provide Outdoor Lighting Standards to help ensure compatibility with neighboring uses, preserve our dark skies, and provide a more pleasant and comfortable nighttime environment while preserving the ability to install effective security lighting.

i. Lighting fixtures shall be a full cut-off design that is shielded, hooded and oriented towards the ground so that direct rays of lighting source(s) are not visible past the property boundaries and do not shine into the night sky; and

ii. Use of motion sensing devices are encouraged; and

iii. Lighting shall not blink, flash or be of unusually high intensity or brightness; and

iv. All lighting fixtures shall be appropriate in scale, intensity and height to the use they are serving.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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v. New or replacement lighting of streets/roads within the district shall be shielded, downward pointing.

vi. Exemptions:

1. Lighting fixtures installed on residential structures with incandescent lamps, or equivalent. This exemption does not apply to fixtures that light parking areas, driveways, sports areas or outbuildings;
2. Seasonal decorative lighting fixtures;
3. Lighting fixtures used temporarily for emergency purposes;
4. Public athletic fields, fairgrounds and approved temporary special events lighting;
5. Lighting fixtures of sixty(60) watts or less.

2. Location of Parking, Servicing, and Loading Areas: All off-street parking lots/areas/stalls, vehicle servicing areas (including gasoline/diesel pumps), and delivery and garage bay doors shall be located at the side or rear of buildings, the only exception being for handicapped parking spaces, which may be located at the front of the building. Bufferyard standards for Urban, Industrial, and Planned Development Districts identified in section 5.1.1 of the Land Use Ordinance are applicable to all parking lots with 6 or more spaces.

3. Screening of Machinery, Equipment, Storage Areas, and other Appurtenances: Open storage areas; exposed machinery, electrical/electronic equipment, heating and/or air conditioning equipment, fuel tanks, etc. (whether located above the ground on structures or on the ground); areas used for storage & collection of rubbish; and areas determined to be similar to those listed, must be visually screened from roads and surrounding land uses. Suitable types of screening for above-ground equipment, storage areas and appurtenances includes landscaping (e.g. shrubs, plants, trees, fencing) and/or architectural elements (e.g. false walls, false roofing, masonry, blocks, etc.). Suitable types of screening on the ground include opaque wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence shall be built to provide screening

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until the evergreens are of sufficient height to hide the unit(s) being screened.

4. Utilities: All utility services for new building/structure construction shall be placed underground; and as may be allowed by law, each lot or parcel of land located within the district will be required either to connect to water and sewer infrastructure as it is made available or to pay a proportionate fee in lieu thereof.

5. Building Design Standards: (Reserved)

Amend the Official Zoning Map of the City of Augusta adding a new Medical/Hospital (MED) as a base zoning district replacing the existing Planning Development (PD) and Rural River (RR) districts on the following Assessor's Maps and Lots:

Map 1, Lots 2, 2A, 2B, 3, 6, 6A, 7, 9, 9A, 9B; and

Map 5, Lots 19, 20, 21, 22, 23, 23A, 27, 28; and

Map 80, Lots 32, 33; and

The portion of Map 6, Lot 7 that is on the West side of Interstate 95.

031 Manager (Department of Community Services)

BE IT ORDAINED by the City Council of the City of Augusta that Chapter 11, Article IV, Section 11-112 Cable Television Committee be amended as follows:

Section 11-112. Cable Television and Telecommunications Committee.

a. Established. There is hereby established a Cable Television and Telecommunications Committee, which shall be responsible to the Mayor and Council for overseeing the performance of the City's Cable Television franchise under the franchise currently in effect, and for the establishment and operation of the education and government channels provided for under that franchise. The Committee shall also advise the Mayor and Council with respect to such other telecommunications issues as wireless and broadband internet access, cable, traditional and cellular telephones, and satellite communications, as requested of them by the City Council.

NEW BUSINESS

037 Manager (Bureau of City Services)

WHEREAS, the City of Augusta wishes to apply to the Maine Department of Economic and Community Development for a Community Development Block Grant to carry out a community development Housing Assistance (HA) program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing.

NOW THEREFORE, BE IT ORDERED By the Council of the City of Augusta that the City Manager:

1) Is authorized and directed to submit an application for the following program and dollar amount within the State of Maine's CDBG Program:

Program: 2007 Housing Assistance (HA) Amount: \$250,000

To the Department of Economic and Community Development on behalf of the City of Augusta, substantially in the form presented to this Council. To assist Cony Village, LLC (the members of which are Bread of Life Ministries and Kennebec Valley Community Action Program) to provide soft second mortgages and closing cost assistance for families that meet HUD's low-income guidelines to purchase some of the 43 new homes at the soon to be built Cony Village. The City of Augusta will be named as the mortgagee and the mortgages will be secured with forgivable, Promissory Notes with the City.

Cony Village will comprise 26 acres at Cony Road and Eastern Avenue and is a \$7,525,000. total cost housing development of 2,3, and 4 bedroom, owner-occupied housing units. Application for these CDBG Housing Assistance funds is highly competitive throughout the state and country. The total amount available in Maine is \$1 million with \$250,000 the maximum allowed per successful grantee.

2) Is authorized to make assurances on behalf of the City of Augusta required as part of such applications, and

3) Is authorized and directed, upon acceptance of said

NEW BUSINESS (Con't)

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funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the City of Augusta and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

038 Mayor Katz

ORDERED, That the Augusta Tissue Reuse Committee (established by Council Order #24 and dated February 5, 2007) be expanded to increase the resident membership from four to five.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk