

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

April 22, 2005

Minutes of the regular City Council meeting held Tuesday, April 19, 2005 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilors Foster and Davis; Mayor Dowling presided.

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

040 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 38 Schedule of one-way streets, of the Revised Code of Ordinances 1990, as amended be further amended by adding:

Melville Street, between Green Street and Western Avenue, south only.

NO MOTION TO REMOVE FROM TABLE

HAS BEEN READ AND PASSED, FINAL READING

061 BE IT ORDAINED, By the City Council of Augusta, that the Land Use Ordinance be amended to create a new historic shoreland zoning district for the Kennebec Arsenal, along with maintenance requirements for shoreland vegetation adjacent to the Arsenal, by taking the following actions:

1. Amend Section 3.2.3.1, dealing with shoreland districts, by adding a new heading "(f) Historic Waterfront District s (HWD)" under section 3.2.3(1)(e) as follows:

3.2.3. OVERLAY DISTRICTS

(1) SHORELAND DISTRICTS

- (a) Limited Residential District (LR)
- (b) Resource Protection District (RP)
- (c) General Development District (GD)
- (d) Limited Commercial District (LC)
- (e) Stream Protection District (SP)
- (f) Historic Waterfront Districts (HWD)

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

061 Continued

- (2) HIGHWAY OVERLAY DISTRICTS (RESERVED)
  - (a) Urban Highway Overlay (Reserved)
  - (b) Rural Highway Overlay (Reserved)
- (3) CAPITOL VIEW DISTRICT (RESERVED)
- (4) HISTORIC DISTRICT (RESERVED)
- (5) RESOURCE CONSERVATION AND USE DISTRICT (RESERVED)

2. Amend Section 3.2.3.1(f), dealing with Historic Waterfront Districts, by adding new language shown below in underscore, as follows:

3.2.3.1(f). HISTORIC WATERFRONT DISTRICT s (HWD).

i. Old Fort Western Historic Waterfront District

(a) Purpose: For a specified area in front of Old Fort Western, a zone denoted as the "Old Fort Western Historic Waterfront District" shall be adhered to. This zone encompasses a distance of 350' measured south from Father Curran Bridge and a depth of 250' measured east from the high water mark in the Kennebec River to Old Fort Western. Shoreland Zoning Standards in this area will be in accordance with 5.3.1.3(3)(g). The purpose of this district is to protect bank stabilization and maintain key gateway viewsapes.

(b) Uses:

USES BY RIGHT -- NO PERMIT NEEDED; ALL APPLICABLE SHORELAND STANDARDS MUST BE MET:

Nonintensive recreational uses not requiring structures such as fishing and hiking. Forest Management Activities.

Surveying and resource analysis. Fire Prevention Activities.

Emergency operations. Agriculture. Wildlife management practices. Soil and water conservation practices.

PERMITTED USES / ACTIVITIES -- REQUIRING PERMIT BY CEO AND PRIOR APPROVAL BY TREE WARDEN

Cultural/Historic Buildings and Structures (and their associated activities);

Clearing of vegetation for approved construction, including lighting, and other allowed uses.

Temporary piers, docks, wharfs, bridges, and other

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

061 Continued

structures and uses extending over or below the normal high-water line or within a wetland. Filling and earthmoving of less than 10 cu. yds. Uses similar to allowed uses. Uses similar to uses requiring CEO permit and prior approval by Tree Warden

PERMITTED USES -- REQUIRING PERMIT BY LPI:

None

CONDITIONAL USES -- REQUIRING PLANNING BOARD REVIEW:

None

ii. Kennebec Arsenal Historic Waterfront District

(a) Purpose: For a specified area in front of the Kennebec Arsenal, a zone denoted as "Kennebec Arsenal Historic Waterfront District" shall be adhered to. This zone encompasses a distance along the Kennebec River of 1050' +/- measured 20' North of the Arsenal's Northern Property Line to 20' South of the Arsenal's Southern Property Line; for a depth of 250' measured east from the high-water mark in the Kennebec River. Shoreland Zoning Standards in this area will be in accordance with 5.3.1.3(3). The purpose of this district is to restore the Kennebec Arsenal retaining wall to the original grassy slopes.

(b) Uses:

USES BY RIGHT -- NO PERMIT NEEDED; ALL APPLICABLE SHORELAND STANDARDS MUST BE MET:

Nonintensive recreational uses not requiring structures such as fishing and hiking. Forest Management Activities.

Surveying and resource analysis. Fire Prevention Activities.

Emergency operations. Agriculture. Wildlife management practices. Soil and water conservation practices.

PERMITTED USES / ACTIVITIES -- REQUIRING PERMIT BY CEO

Cultural/Historic Buildings and Structures (and their associated activities);

Clearing of vegetation for approved construction, including lighting, and other allowed uses.

Temporary piers, docks, wharfs, bridges, and other structures and uses extending over or below the

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

061 Continued

normal high-water line or within a wetland.  
Filling and earthmoving of less than 10 cu. yds.  
Uses similar to allowed uses. Uses similar to uses  
requiring CEO permit.

PERMITTED USES -- REQUIRING PERMIT BY LPI:

None

CONDITIONAL USES -- REQUIRING PLANNING BOARD REVIEW:

None

3. Under Section 5.3.1.3, dealing with clearing of vegetation for development, add new subparagraph 5.3.1.3(3)(g) with the following new language:

(g)Notwithstanding other provisions of this subsection, in the Kennebec Arsenal Historic Waterfront District, in order to protect water quality and wildlife habitat, and to maintain historical integrity, maintained grass ground cover will be required. Trees and shrubs will be permitted to be removed, so long as vegetation is replanted in these areas and soil disturbance remediation is in place until vegetation is established.

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

NEW BUSINESS

HAS BEEN READ AND PASSED

062 ORDERED, That minutes of the City Council meeting held April 4, 2005 submitted by the City Clerk be approved.

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

063 ORDERED, That Roll of Accounts #9 for the month of March 2005 in the amount of \$4,480,246.65 be approved.

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

064 ORDERED, That the following committee members be reappointed to various committees:

<u>Name</u>	<u>Committee</u>	<u>Exp Date</u>
Barry Cote	Planning Board	4/5/08
John Finnegan	Augusta Parking District	5/1/10
John Finnegan	General Assistance Fair Hearing Authority	5/3/08
Kenneth Knight	Zoning Board of Appeals	5/17/08
Sylvia Lund	Capital Riverfront Improvement District	5/5/07
Sylvia Lund	Capitol Planning Commission	5/5/06
Cecil Munson	Historic Preservation Commission	5/6/08
Phyllis vonHerrlich	Historic Preservation Commission	3/18/08
Patsy A. Crockett	Registration Appeals Board	5/3/08
Linda Hadley-Rood	Registration Appeals Board	5/3/08
Frank A. Johnson	Registration Appeals Board	5/3/08
Louise Lerley	Registration Appeals Board	5/3/08
Dr. Laurel Coleman	Lithgow Library Board of Trustees	5/17/08

BE IT FURTHER ORDERED, That Tim Bolton be appointed to fill a vacancy on the Historic Preservation Commission; said term to expire 8/9/2007.

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

065 ORDERED, That the City of Augusta supports and endorses the Kennebec County Hazard Mitigation Plan as recommended to the City by Kennebec County.

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

066 ORDERED, That the City Council enter into Executive Session to discuss pending litigations, M.R.S.A., Title 1, Sec. 405(6)(E).

Yeas: 6; Sotir, Doore, Gomeau,  
Lerman, Koski, Lund

Nays: 0

Committee Reports

Report from the Chairs of the Augusta Sanitary District and Augusta Water District regarding their interlocal Agreement.

Respectfully submitted,

Barbara E. Wardwell  
City Clerk