

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 Susan Redmond, Assistant Planner

DATE: February 5, 2014

RE: **Maine Veterans' Homes**

SUMMARY OF REQUEST

Request: Application to construct a 28,075 square foot office building and a parking lot.

Owner: Skowhegan Savings Bank

Applicant: Maine Veterans' Homes

Location: Civic Center Drive

Zoning: Planned Development (PD) District

Tax Map Number: Map 5, Lot 125

Existing Land Use: Undeveloped land

Proposed Land Use: Business and Professional Offices and Services; Pharmacy

Acreage: 28.5

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. Purchase and Sale Agreement
4. Plan set

Areas of Concern

Staff recommends that the Board require the applicant to:

1. Submit a deed or easement that demonstrates that Skowhegan Savings Bank has retained the right to access the retained land from Maine Veterans' Homes' proposed access road.
2. Submit a revised Boundary Survey which shows the right of way from the proposed access road to the 1.01 acre parcel that will be retained by Skowhegan Savings Bank.
3. Submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public water system to supply water to the facility.
4. Submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public sewer to accept the wastewater from the facility.
5. Submit a letter from the Augusta Public Works Director that indicates that there is sufficient capacity at Hatch Hill for the solid waste.

Staff recommends that the Board discuss the bufferyard plan.

Waivers

No waivers are proposed.

Staff Review

The Bureau of Engineering. Please see the memorandum from Lionel Cayer, City Engineer.

The Bureau of Code Enforcement did not comment on the application.

The Bureau of Planning comments that while three lots are shown on the survey, a subdivision is not proposed. The Maine Supreme Court ruled on a similar case and it was determined that it was not a subdivision.

Skowhegan Savings Bank will need to retain the right to access the retained lot in the northeast corner from the proposed access road (so that another access road off Civic Center Drive will not need to be created).

Staff recommends that the Board require the applicant to:

1. Submit a deed or easement that demonstrates that Skowhegan Savings Bank has retained the right to access the retained land from Maine Veterans' Homes' proposed access road.
2. Submit a revised Boundary Survey which shows the right of way from the proposed access road to the 1.01 acre parcel that will be retained by Skowhegan Savings Bank.

Lot Characteristics

Minimum Lot Size - The minimum required lot size is 20,000 square feet (3.6.1.5.2). The proposed lot is 28.5 acres in size, which meets the standard.

Minimum Frontage - The minimum required frontage is 150 feet (3.6.1.5.2). The proposed lot frontage is over 150 feet, which meets the standard.

Minimum Depth – The minimum required depth is 100 feet (3.6.1.5.2). The proposed lot depth is over 100 feet, which meets the standard.

Setbacks – The minimum required front setback is 35 feet (3.6.1.5.2). The proposed front setback is over 35 feet, which meets the standard. The minimum required side setback is 5 feet (5.1.16.2.d). The proposed setback is over 5 feet, which meets the standard.

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:* Most of the land uses in the neighborhood are commercial. There are two single-family residences on the east side of Civic Center Drive.
 - b. *Architectural Design:* The proposed building will be wood-framed and will have multiple roof peaks. Building elevations are included in the plan set.
 - c. *Scale, Bulk, Building Height:* The proposed building is 28,075 square feet in size and the maximum height is 42 feet.
 - d. *Identity, Historical Character:* This area of Civic Center Drive is in transition – a number of commercial uses have come into the area.
 - e. *Disposition and Orientation:* The building is sited on a flat area of the parcel.
 - f. *Visual Integrity:* The finished floor elevation of the building is 20 feet lower than Civic Center Drive. The roof elevation will be above the elevation of Civic Center Drive.
- b) *Privacy:* The residential properties are on the east side of Civic Center Drive. Privacy is not a concern.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal will not have a significant detrimental effect on the value of adjacent properties.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.

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

The project is located in the Economic Growth Area, which is described in the 2007 Comprehensive Plan.

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:* Please see the memorandum from Lionel Cayer, City Engineer.
- b) *Safe Access:* Safe access is assured.

- c) *Emergency*: Chief Gregoire, of the Augusta Police Department, does not have any concerns with the proposal. Chief Audette, of the Augusta Fire Department, does not have any concerns regarding emergency access.
- d) *Movement/Parking*: Smooth and convenient movement of vehicles is provided. The proposal satisfies the parking capacity requirements of the city and adequate space for loading and unloading.

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*: The applicant proposes to connect to public water. Staff recommends that the Board require the applicant to submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public water system to supply water to the facility.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: The applicant proposes to connect to the public sewer. Staff recommends that the Board require the applicant to submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public sewer to accept the wastewater from the facility.
- c) *Electricity/Telephone*: There are electricity and telecommunication lines on the south side of the Skowhegan Savings
- d) *Storm Drainage*: Please see the memorandum from Lionel Cayer, City Engineer.

Staff recommends that the Board require the applicant to:

1. Submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public water system to supply water to the facility.
2. Submit a letter from the Greater Augusta Utility District which indicates there is adequate capacity in the public sewer to accept the wastewater from the facility.

Resource Protection and Environment (Section 6.3.4(5) of the LUO)

- a) *Sensitive Areas*:

The applicant proposes to impact 14,971 square feet of wetlands.

Bond Brook runs through the parcel. It is shown as a “stream” on the site plan. Bond Brook, which provides coldwater fishery habitat, runs through the parcel. John Perry, of the Maine Department of Inland Fisheries & Wildlife, states in his letter:

“We recommend that a 100-foot undisturbed vegetated buffer be maintained along streams supporting coldwater fisheries. Buffers should be measured from the edge of the stream or associated fringe and floodplain wetlands. Maintaining buffers along coldwater fisheries is critical to the protection of water temperatures, water quality, and inputs of coarse woody debris necessary to support conditions required by brook trout.”

The applicant proposes to disturb soil just over 75 feet from Bond Brook. Portions of the slope that is to the north and west of the pathway is 75-100 feet from Bond Brook. It appears that the applicant proposes to revegetate this slope (green color on site plan).

The driveway crosses a drainage which has steep slopes. Retaining walls are proposed to address the steep slopes.

- b) *Air Quality*: The proposal complies with local, state, and federal air quality standards.
- c) *Water Quality*: The applicant has applied for a stormwater permit and Tier 1 (wetlands) permit from the Maine DEP. An erosion and sedimentation control plan is included in the application materials. No hazardous wastes are proposed.
- d) *Sewage/Industrial Waste*: Sewage will be disposed of in the public sewer. No industrial wastes are proposed.
- e) *Shoreland/Wetland Districts*: Bond Brook runs through the parcel. It is shown as a "stream" on the site plan. It has a SP50 zone associated with it (shoreland zone within 25 feet of either side of it). The entire project is outside of the shoreland zone.

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*: The proposal can be conducted so that noise shall not exceed the performance levels specified in the performance standards.
- c) *Glare/Heat*: The proposal does not involve glare or heat.
- d) *Exterior Lighting*: The exterior light fixtures appear to be full-cutoff light fixtures. The amount of proposed light trespass beyond the property lines meets the standard.
- e) *Screening*:
Section 5.1.1.3.c indicates that all areas located within the 35 foot setback of Civic Center Drive shall be used as buffer areas. The planting multipliers of Bufferyard C shall be used within this area. Two trees are proposed within the 25 foot setback from Civic Center Drive and no plantings are proposed in the remainder of the front setback area. The building is setback several hundred feet from Civic Center Drive. There are two areas of existing vegetation to either side of the access drive.

Bufferyard A is required between the project and the abutting uses (none of which are residential)(Table 5.1.1-A). There is existing vegetation to the north and south. A "treeline" is indicated in both of these areas. Bufferyards are proposed to the east and south of the eastern parking lot. The bufferyard to the east of the parking lot does not include enough evergreen or canopy trees to meet the Bufferyard A requirements. The existing adjacent use, the bank, is set at a higher elevation than the proposed use.

There is some flexibility in the bufferyard requirements (5.1.1.3.b). Staff recommends that the Board discuss the bufferyard plan.

- f) *Signage:* A sign is proposed at the driveway entrance. The maximum size sign allowed in the PD District is 200 square feet. The proposed sign will not exceed 200 square feet, which meets the terms of the ordinance.

Staff recommends that the Board discuss the bufferyard plan.

Financial and Technical Ability (Section 6.3.4(7) of the LUO)

E. S. Coffin Engineering & Surveying is the applicant's agent. E. S. Coffin has adequate technical ability to meet the terms of the ordinance.

The applicant submitted a letter from the Chief Financial Officer of the Maine Veterans' Homes. The CEO estimates that the cost of the project is approximately eight million dollars. The Maine Veterans' Homes has more than double this amount in capital reserves.

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 project is not in the 100-year floodplain.
- b) *Ability of Soils to support waste disposal:* The applicant proposes to dispose of sewage in the public sewer. Not applicable.
- c) *Slopes effect on effluents:* The applicant proposes to dispose of sewage in the public sewer. Not applicable.
- d) *Streams for disposal of effluents:* The applicant proposes to dispose of sewage in the public sewer. Not applicable.
- e) *Applicable health and water resource rules:* The application complies with applicable health and water resource rules.

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)

The applicant proposes to obtain water through the public water supply. See the Public Utilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sufficient water.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

The applicant proposes to obtain water through the public water supply. See the Public Utilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding municipal water supply.

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)

The applicant proposes to dispose of sewage in the public sewer. The applicant has sent a letter to Lesley Jones, Public Works Director, inquiring if there is capacity at Hatch Hill for the solid waste.

Staff recommends that the Board require the applicant to:

1. Submit a letter from the Augusta Public Works Director that 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)

Kirk Mahoney of the Maine Historic Preservation Commission comments that the project will not impact any historic properties.

John Perry of the Maine Department of Inland Fisheries & Wildlife comments that no essential or significant wildlife habitats will be directly affected by the project.

Don Cameron of the Maine Natural Areas Program comments that no rare botanical features are documented within the project area.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding aesthetic, cultural, and natural values.

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 located in the watershed of a pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, Article 2-B. 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 adversely affect the quality or quantity of ground water.

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)

The wetlands are identified on the Topographic survey.

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)

A "stream" is shown on the parcel on the site plan. This is Bond Brook.

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 not regulated by the Site Location of Development Law. Not applicable.

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.

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 the Performance Standards section.

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