

**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:** March 5, 2014

**RE:** 140 Capitol, LLC

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**SUMMARY OF REQUEST**

**Request:** The request is for a Conditional Use Review as per Section 6.3. Application of 140 Capitol, LLC to change the current use of warehousing / office to warehousing / office / retail. Warehousing and retail are nonconforming uses. The proposal is to change one nonconforming use to another nonconforming use.

**Owner:** Juniper Holdings

**Applicant:** 140 Capitol, LLC

**Location:** 140 Capitol Street

**Zoning:** Institutional/Business/Professional (BP) District

**Tax Map Number:** Map 26, Lot 151

**Existing Land Use:** Warehousing / office

**Proposed Lane Use:** Warehousing / office / retail

**Acreage:** 3.34 acres

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**SUMMARY OF SUBMITTAL PACKAGE**

In the submittal package the applicant has provided the Planning Board with the following items:

1. Conditional Use Application form
2. Purchase and Sale Agreement
3. Narratives

## Areas of Concern

Staff recommends that the Board require the applicant to:

1. Submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public water supply to supply the building with water.
2. Submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public sewer system to accept the wastewater from the building.

## Staff Review

**The Bureau of Engineering** does not have any concerns.

**The Bureau of Code Enforcement** does not have any concerns.

**The Bureau of Planning** comments that Matt Nazar and Susan Redmond met with Tobias Parkhurst on February 26th. At the meeting, Mr. Parkhurst verbally provided some of the information for the application.

The proposed hours of operation are Monday through Friday 6:30 a.m. to 5:00 p.m. and occasionally on Saturdays.

The Board needs to determine whether the proposed use has an equal or less intrusive impact on the neighborhood than the current use. The applicant estimates that there will be five (5) vehicles entering the site for the retail use when the business is open.

## Lot Characteristics

No changes are proposed to the lot.

## Neighborhood Compatibility (Section 6.3.4(1) of the LUO)

a) *Land Use/ Visual Integrity:*

- a. *Land Uses:* There are commercial uses in the immediate vicinity of the proposal. The property is currently being used by Central Maine Power Company. Previously, Verizon used the property for office space and vehicle storage and maintenance.
  - b. *Architectural Design:* No change is proposed.
  - c. *Scale, Bulk, Building Height:* No change is proposed.
  - d. *Identity, Historical Character:* There are commercial uses in the immediate vicinity of the proposal.
  - e. *Disposition and Orientation:* No change is proposed.
  - f. *Visual Integrity:* No change is proposed.
- b) *Privacy:* There are no residences abutting the site.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions.

- d) *Property Values*: The proposal is not expected to have a detrimental effect on the value of adjacent properties.

Staff recommends that the Board discuss whether the proposed use is equal to or less intrusive on the neighborhood than the current use.

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

The proposal is located in the Westside Residential District which is described in the 2007 Comprehensive Plan. Commercial corridors, such as Capitol Street, are important places of commerce.

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*: Lionel Cayer, City Engineer, does not have concerns regarding additional traffic.
- b) *Safe Access*: There are two curb cuts to the parking lot to the east of the building. There is one curb cut for the access to the west of the building. There is plenty of sight distance. Lionel thinks the existing curb cuts are acceptable.
- c) *Emergency*: Lt. Freeman, of Augusta Fire, comments that according to Augusta Fire's records, the building does not have a Knox Box. A Knox Box will need to be installed.
- d) *Movement/Parking*: The entrance and parking system allows for movement of vehicles on and off the site. There is sufficient parking capacity on the site. The proposal provides 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 building is on public water. Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public water supply to supply the building with water.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: The building is on public sewer. Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public sewer system to accept the wastewater from the building.
- c) *Electricity/Telephone*: There is electric power at the site.
- d) *Storm Drainage*: No site changes are proposed that will affect storm drainage capacity.

Staff recommends that the Board require the applicant to:

1. Submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public water supply to supply the building with water.

2. Submit comments from the Greater Augusta Utility District that there is sufficient capacity in the public sewer system to accept the wastewater from the building.

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

- a) *Sensitive Areas*: No sensitive areas will be affected by the proposal.
- b) *Air Quality*: The proposal complies with air quality standards.
- c) *Water Quality*: There is an existing severely eroded area at the outfall of a stormwater pipe on the property.
- d) *Sewage/Industrial Waste*: The building is on public sewer. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts*: The proposal is not in 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*: See Exterior Lighting.
- b) *Noise*: The work will be done inside the building. Two chop saws will be used. The applicant does not plan to leave the overhead doors open during the summer / warmer months.
- c) *Glare/Heat*: No excessive heat or glare is proposed.
- d) *Exterior Lighting*: There is existing exterior lighting. At least some of the fixtures are not full cut off fixtures. The application does not include a proposal to change the light fixtures at this time.
- e) *Screening*: Some landscaping exists on the site. There is not a proposal to change the landscaping at this time. The applicant intends to locate the dumpsters at the back (south) of the building.
- f) *Signs*: New sign(s) are not proposed at this time.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards.

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

The applicant has the technical and financial ability to comply with the ordinance.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.