

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: November 5, 2014

RE: AugustRes LLC

SUMMARY OF REQUEST

Request: The request is for a Major Development as per Section 4.6 and a Conditional Use as per Section 6.2. The applicant proposes a four-story hotel that has a 25,580 square foot footprint. The building height may be fifty-four feet ten inches (54'10"). If the height is over forty-two (42) feet, then it is a Conditional Use.

Owner: AugustRes LLC

Applicant: AugustRes LLC

Location: Off Western Avenue

Zoning: Regional Business (CC) District

Tax Map Number: Map 83, Lot 13, 17B, 20, 21 & 21A

Existing Land Use: Residential

Proposed Land Use: Hotel

Acreage: 11.0

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. Agent authorization letter

3. Deed
4. Narrative
5. Plan set

Areas of Concern

The maximum allowed building height is 42 feet (3.6.1.2.3.d). It is unclear from the elevation plans whether mansard roofs or flat roofs are proposed. If mansard roofs are proposed, the height is measured to the deck line. If flat roofs are proposed, the height is measured to the roof surface. If mansard roofs are proposed, the building height is forty-two (42) feet. If flat roofs are proposed, the building height is fifty-four feet ten inches 54'-10". The Regional Business District is one of the Capital Commerce Districts. Section 3.6.1.2.1.e states:

Any proposed construction exceeding the maximum height shall be reviewed by the Planning Board utilizing the criteria applicable to conditional uses outlined in section 6.3.4.

Staff has requested a roof plan to help in determining which type of roof is proposed.

Staff recommends that the Board discuss whether the proposal is in compliance with the ordinance regarding Neighborhood Compatibility in regards to roof height.

Staff recommends that the Board require the applicant to:

1. Revise the Site Plan to relocate the retaining wall which is parallel to Western Avenue so that it is closer to the parking lot.
2. On the Site Plan, check the topographic lines in the vicinity of the travel way between the two parking lots.
3. Add a note to the Site Plan that there will be a transition from granite curb to concrete curb at the entrance.
4. Submit documentation which indicates that the sewer easement has been removed from the area where the hotel will be and the hotel will be at least ten (10) feet from the new sewer easement.
5. Obtain approval from the Director of Development Services to construct the retaining wall within the 35 foot setback from Western Avenue (5.1.16.1).
6. Verify how many employees / contractors will be working at the hotel during the largest shift and modify the parking calculations if necessary. Include all cleaning staff, front desk staff, etc.
7. Submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity in the public water system to supply the project with water.
8. Submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity in the public sewer system to accept the wastewater from the project.
9. Check whether wetland impact is proposed to the west of the parking lot. A wetland is immediately adjacent to the new topographic lines. A Natural Resources Protection Act permit for wetland impact may be required.
10. Modify the Landscape Plan (which is on the Erosion and Sedimentation Control Plan) as follows:
 - a. Eastern bufferyard: Either add a fence to the bufferyard, or modify the parking lot to allow a Bufferyard A that is at least fifteen feet in width.

- b. Western bufferyard: Revise the plan to include a Bufferyard A.
- c. A bufferyard needs to be added to the north of the parking lot.

Waivers

The applicant did not request any waivers.

Staff Review

The Bureau of Engineering recommends that the applicant:

1. Revise the Site Plan to relocate the retaining wall which is parallel to Western Avenue so that it is closer to the parking lot. This will be an improvement from a construction standpoint.
2. On the Site Plan, check the topographic lines in the vicinity of the travel way between the two parking lots.
3. Add a note to the Site Plan that there will be a transition from granite curb to concrete curb at the entrance.

The Bureau of Code Enforcement does not have additional comments.

The Bureau of Planning comments that eight buildings (4 houses, 4 garages) are proposed to be demolished (4, 7, 11, and 12 White Rice Lane, 186 Old Winthrop Road) as part of the project. The Historic Preservation Commission reviewed the demolition applications on November 5th. The Commission found that the buildings are not potentially significant buildings, as defined by the Demolition and Delay Ordinance. A letter from Lorie Mastemaker, Chair of the Historic Preservation Commission, is attached.

Staff recommends that the Board require the applicant to:

1. Revise the Site Plan to relocate the retaining wall which is parallel to Western Avenue so that it is closer to the parking lot.
2. On the Site Plan, check the topographic lines in the vicinity of the travel way between the two parking lots.
3. Add a note to the Site Plan that there will be a transition from granite curb to concrete curb at the entrance.

Lot Characteristics

Impervious Surface Ratio – The maximum allowed impervious surface ratio is .80 (3.6.1.2.3.d). The proposed impervious surface ratio is .19, which meets the requirement.

Floor Area Ratio - The maximum allowed floor area ratio is .40 (3.6.1.2.3.d). The proposed floor area ratio is .18, which meets the standard.

Maximum Height – The maximum allowed height is 42 feet (3.6.1.2.3.d). It is unclear from the elevation plans whether mansard roofs or flat roofs are proposed. If mansard roofs are proposed, the height is measured to the deck line. If flat roofs are proposed, the height is measured to the roof surface. If mansard roofs are proposed, the building

height is forty-two (42) feet. If flat roofs are proposed, the building height is fifty-four feet ten inches 54'-10". The Regional Business District is one of the Capital Commerce Districts. Section 3.6.1.2.1.e states:

Any proposed construction exceeding the maximum height shall be reviewed by the Planning Board utilizing the criteria applicable to conditional uses outlined in section 6.3.4.

Staff has requested a roof plan to help in determining which type of roof is proposed.

Setbacks –

There is a ten (10) foot side setback for the sign (5.1.17.4.2). The proposed sign is over ten (10) feet from the side property lines, which meets the requirement.

A ten (10) foot setback is required from utility easements (5.1.16.3.a). The Topographic Survey shows a sewer easement that crosses the site in an east-west direction. The Utility Plan shows that a section of the sewer line is proposed to be removed in order to construct the building. Staff recommends that the Board require the applicant to submit documentation which indicates that the sewer easement has been removed from the area where the building will be. The hotel must be at least ten (10) feet from the new sewer easement.

There is a five (5) foot setback from the lot lines on the sides not abutting the streets (5.1.16.3.d). The hotel and the retaining walls are over five (5) feet from the sides of the lot, which meets the standard.

There is a thirty-five (35) foot setback from Western Avenue and I-95 (5.1.16.3.f). The hotel is over thirty-five (35) feet from both roads, which meets the requirement. A retaining wall is proposed within thirty-five (35) feet of Western Avenue. The Director of Development Services may approve a retaining wall within the setback (5.1.16.1). The property owner "must agree to indemnify and save harmless the City against loss, cost, damage or expense occurring by reason of the erection or maintenance of such wall or structure".

The Maine DOT regulates structures placed within twenty (20) feet of the "traveled way" on a multi-lane road. The regulations require a waiver to be granted before the sign and the wall is constructed.

Staff recommends that the Board require the applicant to:

1. Submit documentation which indicates that the sewer easement has been removed from the area where the hotel will be and the hotel will be at least ten (10) feet from the new sewer easement.
2. Obtain approval from the Director of Development Services to construct the retaining wall within the 35 foot setback from Western Avenue (5.1.16.1).

**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:* There is a house on the lot that abuts to the east of the property. There is another house on the lot that abuts to the west of the property. Valero gas station, cPort Credit Union, Super 8, Margarita's, and Portland Glass Company are within the neighborhood.
 - b. *Architectural Design:* The hotel is 4 stories tall. There is stone veneer siding and cement siding.
 - c. *Scale, Bulk, Building Height:* The building has a 25,580 square foot footprint. See the Lot Characteristics section regarding building height.
 - d. *Identity, Historical Character:* This stretch of Western Avenue is primarily commercial.
 - e. *Disposition and Orientation:* The hotel is oriented parallel to Western Avenue.
 - f. *Visual Integrity:* The proposed building is four stories in height. It will be significantly taller than the single family homes to either side of it.
- b) *Privacy:* Staff suggests that the Board discuss whether the elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal is not expected to have a significant detrimental effect on the value of adjacent properties.

Staff recommends that the Board discuss whether the proposal is in compliance with the ordinance regarding Neighborhood Compatibility in regards to roof height.

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

The proposal is in the Economic Growth Zone in the southern subdistrict. This area is expected to continue to be an economic engine for the city.

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:* The project will result in 88.8 peak hour trips. It does not require a traffic movement permit from the Maine Department of Transportation. The applicant has retained a traffic engineer to prepare a traffic impact report.
- b) *Safe Access:* Safe access is provided off Western Avenue.
- c) *Emergency:* Chief Audette of the Augusta Fire Department comments that the proposal provides access for emergency vehicles. Deputy Chief Mills of the Augusta Police Department comments that he does not have any concerns regarding the project.

- d) *Movement/Parking*: The application indicates that there are six (6) employees at the largest shift. Staff recommends that the applicant verify how many employees / contractors will be working at the hotel during the largest shift and modify the parking calculations if necessary. All cleaning staff, front desk staff, etc. should be included.

For the information submitted for the parking calculations, one hundred thirty-seven (137) parking spaces are required. One hundred thirty-seven (137) parking spaces are proposed, which meets the standard.

Staff recommends that the Board require the applicant to:

1. Verify how many employees / contractors will be working at the hotel during the largest shift and modify the parking calculations if necessary. Include all cleaning staff, front desk staff, etc.

Public Facilities (Section 6.3.4(4) of the LUO)

- a) *Water Supply*: Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity in the public water system to supply the project with water.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity in the public sewer system to accept the wastewater from the project.
- c) *Electricity/Telephone*: Electric power and telephone service will be off Western Avenue.
- d) *Storm Drainage*: The applicant has submitted a stormwater permit to the Maine Department of Environmental Protection.

Staff recommends that the Board require the applicant to:

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

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

- a) *Sensitive Areas*: There is a stream on the property which is regulated by the Natural Resources Protection Act. Soil disturbance and vegetation removal is proposed within seventy-five (75) feet of the stream. A stream crossing is proposed to convey stormwater to a filter pond. The applicant plans to apply for a Natural Resources Protection Act Permit by Rule.

The application narrative states that no wetland impact is proposed. Staff recommends that the applicant check whether wetland impact is proposed to the west of the parking lot. A wetland is immediately adjacent to the new topographic lines. A Natural Resources Protection Act permit for wetland impact may be required.

The project is not in the 100 year floodplain.

- b) *Air Quality*: The project conforms to air quality standards.

- c) *Water Quality*: Two permits are required from the Maine Department of Environmental Protection: stormwater permit, and a Natural Resources Protection Act permit by rule.
- d) *Sewage/Industrial Waste*: The public sewer will be used for sewage disposal. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts*: The project is not in the shoreland zone.

Staff recommends that the Board require the applicant to:

1. Check whether wetland impact is proposed to the west of the parking lot. A wetland is immediately adjacent to the new topographic lines. A Natural Resources Protection Act permit for wetland impact may be required.

Performance Standards (Section 6.3.4(6) of the LUO)

- a) *Performance and Dimensional Standards*: The proposal complies with the dimensional standards.
- b) *Noise*: The project can be conducted so that it conforms to the noise standards.
- c) *Glare/Heat*: No intense glare or heat is proposed. Not applicable.
- d) *Exterior Lighting*: The lighting proposal meets the requirements of the lighting standards.
- e) *Screening*: Bufferyard A is required between the parking lot and the right of way and adjacent land uses.
 - Eastern bufferyard: The parking lot is less than fifteen feet in width and does not have a fence. Either a fence needs to be added to the bufferyard, or the parking lot needs to be modified to allow a Bufferyard A that is at least fifteen feet in width.
 - Western bufferyard: No bufferyard is shown in the area between the parking spaces close to the hotel and the residential property to the west. Revise the plan to include a Bufferyard A.
 - A bufferyard needs to be added to the north of the parking lot.
- f) *Signage*: Specific signage is not included in the application.

Staff recommends that the Board require the applicant to:

1. Modify the Landscape Plan (which is on the Erosion and Sedimentation Control Plan) as follows:
 - a) Eastern bufferyard: Either add a fence to the bufferyard, or modify the parking lot to allow a Bufferyard A that is at least fifteen feet in width.
 - b) Western bufferyard: Revise the plan to include a Bufferyard A.
 - c) A bufferyard needs to be added to the north of the parking lot.

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

The applicant submitted a letter from Camden National Bank. It indicates that the applicant has the capacity to borrow the funding necessary (about 12 million) to construct the hotel. The applicant appears to have the financial capacity to complete the project.

E.S. Coffin and Engineering, the applicant's agent, has the technical ability to meet the terms of the ordinance.

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:* Wastewater will be disposed of in the public sewer.
- c) *Slopes effect on effluents:* Wastewater will be disposed of in the public sewer.
- d) *Streams for disposal of effluents:* Wastewater will be disposed of in the public sewer.
- e) *Applicable health and water resource rules:* Wastewater will be disposed of in the public sewer.

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)

See the Public Facilities section.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

See the Public Facilities section.

Soil Erosion (Section 4.4.1.4 of the LUO)

An erosion and sedimentation control plan is included in the proposal.

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.

Sewage Waste and Municipal Solid Waste Disposal (Sections 4.4.1.6 and 4.4.1.7) of the LUO)

See the Public Facilities section regarding sewage waste. Lesley Jones, Public Works Director, comments that there is sufficient room in Hatch Hill for the solid waste.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding municipal solid waste disposal.

Aesthetic, Cultural, and Natural Values (Section 4.4.1.8 of the LUO)

Don Cameron of the Maine Natural Areas Program comments that there are no known rare botanical features on the project site. John Perry of the Maine Department of Inland

Fisheries & Wildlife comments that there are no known locations of Endangered, Threatened, or Special Concerns species in the project area. Kirk Mohnney, of the Maine Historic Preservation Commission comments that no historic properties will be impacted by the project.

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.

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 one of these areas. No 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 proposal 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)

See the Resource Protection and Environment section.

River, Stream, or Brook (Section 4.4.1(15) of the LUO)

A stream runs through the property and is shown on the site plan.

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.

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 Act. 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.