

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, Deputy Director of Development Services
and Susan Redmond, Assistant Planner

DATE: December 3, 2014

RE: **Courthouse parking lot**

A handwritten signature in blue ink, appearing to be "MN" or similar initials.

SUMMARY OF REQUEST

Request: The applicant proposes to construct a parking lot for the courthouse.

Owner: Maine Governmental Facilities Authority

Applicant: Maine Governmental Facilities Authority

Location: Court Street

Zoning: Institutional/Business/Professional Subdistrict (BP)

Tax Map Number: Map 33, Lot 208A, 223, 230, 231, 232, and 233

Existing Land Use: Government services, residential

Proposed Land Use: Government services

Acreage: 3.01 acres total

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 and attachments
3. Letter from Kennebec County Commissioners, Option, Deeds
4. Plan set

Areas of Concern

Staff recommends that the Board require the applicant to:

1. Submit a photometric plan which includes footcandles that comply with the lighting standards.

The applicant intends to demolish four buildings on Perham Street to construct the parking lot. The houses located at 13, 15 and 19 Perham Street have already gone through the Demolition and Delay review process and may be demolished. The applicant has submitted a demolition permit application for the building located at 32 Court Street (corner of Court Street and Perham Street). The Historic Preservation Commission reviewed the application and a letter from the Chair is attached. The Planning Board needs to decide whether the building is a significant building and a demolition delay needs to be imposed.

Waivers

No waivers were requested.

Staff Review

The Bureau of Engineering does not have additional comments.

The Bureau of Code Enforcement does not have additional comments.

The Bureau of Planning comments that the southwest corner of the parking lot and several of the plantings to the west and south of the parking lot are on Kennebec County's property. This is acceptable. In a letter from Robert Devlin, County Administrator for Kennebec County, to Matt Nazar, Mr. Devlin states "Kennebec County will allow any necessary easements and encroachments necessary for the development of the parking lot at the Perham Street location."

Lot Characteristics

Impervious Surface Ratio – The maximum allowed impervious surface ratio is .95. The proposed impervious surface ratio is less than .95, which meets the standard. (If this is calculated for just for the lots which have houses on them, Tax Map 33, Lot 230, 231, 232, 233, the proposed impervious surface ratio is .85.)

Floor Area Ratio – No change is proposed to the floor area ratio. This standard is met.

Maximum Height – The parking lot is at grade. This standard is met.

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:* The Planning Board previously approved the courthouse building and a parking lot. The proposed parking lot will add to the approved parking.
- b) *Architectural Design:* A building is not proposed. Not applicable.
- c) *Scale, Bulk, Building Height:* A building is not proposed. Not applicable.
- d) *Identity, Historical Character:* There are several significant historic buildings in the neighborhood.
- e) *Disposition and Orientation:* A building is not proposed. Not applicable.
- f) *Visual Integrity:* A retaining wall is proposed between the two cells of the parking lot. Vines are proposed to be planted along the entire length of the retaining wall. The vines will help soften the wall as viewed from the east (i.e. Memorial Bridge).
- b) *Privacy:* The four residences on Perham Street are proposed to be demolished.
- c) *Safety and Health:* The proposal will maintain and improve safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal will not have a detrimental effect on the value of adjacent properties.

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

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

The proposal is located in the River / Downtown District which is described in the 2007 Comprehensive Plan. This district is the heart of Augusta. It is largely developed today. The future land use plan calls for even more intensive use of this space.

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 parking lot will not generate traffic.
- b) *Safe Access:* Access is from Court Street.
- c) *Emergency:* Lt. Freeman, of the Augusta Fire Department, comments that he assumes that the parking lot meets NFPA standards.
- d) *Movement/Parking:* The parking will augment the parking already available. At the July 24, 2012 Planning Board meeting, the applicant promised to obtain additional parking to supplement the 93 on-site spaces and 80 leased spaces in an Augusta Parking District lot.

Staff recommends that the Board discuss whether 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:* No water is required for the parking lot. Not applicable.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* No wastewater disposal is required for the parking lot. Not applicable.

- c) *Electricity/Telephone*: Electricity will be provided by Central Maine Power. No telephone service is needed for a parking lot.
- d) *Storm Drainage*: The storm water plan is acceptable.

Staff recommends that the Board discuss whether the proposed use is in compliance with the ordinance regarding Public Facilities.

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

- a) *Sensitive Areas*: There is a grade change between the proposed parking and the parking lot to the east. A retaining wall is proposed in this area.
- b) *Air Quality*: The proposal complies with local, state and federal air quality standards.
- c) *Water Quality*: The proposal requires a modification of a stormwater permit from the Maine DEP.
- d) *Sewage/Industrial Waste*: No wastewater will be produced by the parking lot. No industrial waste is associated with this project.
- e) *Shoreland/Wetland Districts*: The project is not in the shoreland zone. Not applicable.

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 all dimensional standards. The proposal complies with all performance standards, unless indicated to the contrary.
- b) *Noise*: Noise is not a concern.
- c) *Glare/Heat*: No intense glare or heat is proposed.
- d) *Exterior Lighting*: The photometric plan does not indicate the footcandles that will be produced by the lights. Staff recommends that the Board require the applicant to submit a photometric plan that complies with the lighting standards.
- e) *Screening*: Bufferyard A is required between the parking lot and the adjacent uses (Kennebec County) and right of way (Court Street) (5.1.1.3.g.i.A). Some plantings are proposed in these areas. The Kennebec County jail is approximately five (5) feet from the proposed parking lot and there is not room for a bufferyard in this area. Some flexibility is allowed in the bufferyard standards (See 5.1.1.3.b.2).
- f) *Signage*: Traffic control signs are proposed in the parking lots.

Staff recommends that the Board require the applicant to:

1. Submit a photometric plan which includes footcandles that comply with the lighting standards.

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

The applicant has the financial ability to complete the project. The applicant's agent, Gorrill Palmer, has the technical ability to construct the project.

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 floodplain.
- b) *Ability of Soils to support waste disposal:* No wastewater disposal is required. N/A
- c) *Slopes effect on effluents:* N/A
- d) *Streams for disposal of effluents:* N/A
- e) *Applicable health and water resource rules:* The project will comply with 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)

No water is required. Not applicable.

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)

No water is required. Not applicable.

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)

An Erosion and Sedimentation Control Plan is provided.

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)

No traffic will be generated by the proposal. Not applicable.

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)

No sewage will be produced. The demolished buildings will need to be disposed of.

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

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

Don Cameron of the Maine Department of Conservation comments that there are no documented rare botanical features in the project area. Additionally, there is a low probability that rare or significant botanical features exist within the project area.

Laury Zicari of the U.S. Fish and Wildlife Service comments that the project occurs within the range of Atlantic salmon and transient bald eagles occur in the area. There is no Atlantic salmon habitat on the project site.

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)

The applicant intends to demolish four buildings on Perham Street to construct the parking lot. The houses located at 13, 15 and 19 Perham Street have already gone through the Demolition and Delay review process and may be demolished. The applicant has submitted a demolition permit application for the building located at 32 Court Street (corner of Court Street and Perham Street). The Historic Preservation Commission reviewed the application and a letter from the Chair is attached. The Planning Board needs to decide whether the building is a significant building and a demolition delay needs to be imposed.

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 in one of these areas. 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 applicant will modify its Maine DEP stormwater permit.

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 a flood area.

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)

There are no wetlands on the project site.

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)

No streams or brooks run through the project site.

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.