

**PLANNING BOARD MEETING
MINUTES**

Minutes of the Augusta Planning Board meeting held on March 8, 2016

Board members present: Justin Poirier, Alison Nichols, Delaine Nye, Steve Dumont, Tom Connors, Bill McKenna, Heather Pouliot

Board members absent: Corey Vose, Pete Pare

City staff present: Matt Nazar, Lionel Cayer

Guests present: Donald McPherson, Ronald McPherson, John Pickett, William Boynton, Dick Duncan, Steven Flourde, Kevin Dostie, Rick Tardiff, Donna Fairfield, Jon Fairfield

Public Hearing: Conditional Use. Application of Donald McPherson & Ronald McPherson to operate a garden center at an existing building. Assessor's Map 75 Lot 3A. Located at 3100 North Belfast Avenue in the Rural Village District (RV) and Limited Commercial District (LC) Shoreland Overlay Zone.

Matt Nazar gave an overview of this agenda item.

Delaine: Entrance and exit signs are not currently on the site.

Matt: The signs were probably knocked down by plow trucks and are currently not in place.

Lionel Cayer, City Engineer: The exit on North Belfast Avenue would be better suited closer to the Weeks Mills intersection. He has no concerns with the application as there would be low traffic volume.

Alison: There are three exits/entrances on the property. Would this cause a problem?

Lionel: The applicant could be asked about how they plan to use the driveways on the site.

Delaine: She does not have a problem with the exit for the site, or other driveways. There seems to be plenty of sight distance.

Applicant: Donald and Ron McPherson. They are leasing the left hand side of the building. The Weeks Mills Road entrance is muddy.

Alison: Where would greenhouses be placed?

Donald: It is a bit late in the year to install a greenhouse, they could use cold frames at this point and use vendors for plant material.

Public Hearing Opened:

Public to Speak in Favor of the Application: None.

Public to Speak Against the Application: None.

Public to Speak Neither for nor Against the Application: None.

Public Hearing Closed.

Board Discussion:

Alison: The applicant requested 8 waivers, but they are in a building owned by someone else, so I assume the waivers aren't necessary?

Matt: Yes, that is true.

Alison: This is concerning the application of Donald and Ronald McPherson requesting a Conditional Use Review as per Section 6.3 of our Land Use Ordinances. The project is located at 3100 North Belfast Avenue on Tax Map 75, Lot 3A. It is located in the Rural Village (RV) zone as well as in the Limited Commercial (LC) Shoreland Overlay Zone.

I have considered and agree with the Findings of Fact in the staff review and would like to add the following finding:

1. The applicant requested eight waivers from the requirements of the ordinance. Given the circumstances outlined in both the staff review and in the application itself indicating that the applicants are sub-leasing only a portion of a building currently housing another business and since staff has no concerns, these waivers are granted.

I have also considered and agree with the Conclusions of Law as presented.

I believe the project, as before us this evening, is able to meet the standards of our Land Use Ordinance with the following condition.

1. Prior to opening for business, the entrance/exit to Route 3 that is located the farthest to the west shall be turned into a one-way entrance. The entrance/exit to Route 3 that is located the farthest to the east shall be turned into a one-way exit. Signs for the one-way entrance and one-way exit shall be installed.

I move to approve the application as stipulated above.

Second: Delaine.

Further Discussion: None.

Vote: 6:0. All in Favor. Motion passes.

Public Hearing: Major Subdivision. Application of Linda S. Roderick to create a six lot subdivision which includes one existing lot, four house lots and one vacant lot along Mount Vernon Road. Assessor's Map 5 Lot 185A and 185. Located in the vicinity of 313 Mount Vernon Road in the Rural River District (RR) with a Stream Protection 50 (SP-50) Shoreland Overlay Zone.

Matt Nazar gave an overview of this agenda item.

Alison: Should we approve this, with the 6 lots shown, if the larger parcel was divided, would the Board review the project again?

Matt: Should the division be within 5 years, the Board would review. If further division is outside the 5 year window, and is two pieces or less, no review would be necessary.

Delaine: After 5 years, how could the larger lot potentially be divided without Planning Board Review?

Matt: If they wanted to subdivide further after 5 years, and they had built a house, they could create two separate lots. If the lot was not developed, only one division could occur without Planning Board Review.

Delaine: The Staff Review notes that all lots have steep slopes over 15%.

Matt: An engineered plan would be required to build on steep slopes. The slopes are buildable.

Delaine: The Comprehensive Plan notes that plumbing codes do not allow new septic systems on slopes steeper than 15%. The site evaluator notes that there are passing sites, could you explain Matt?

Matt: The site evaluator notes that there are sites that pass on each lot. There are portions of the site which are less than 15% slope.

Lionel Cayer, City Engineer: On the plans, you can look at the topography and see where the steep slopes are located. The larger lot would be more difficult to access due to the steep slopes where a driveway could be located. If the lot was subdivided, it would likely have a shared driveway. No septic tests were done on the larger lot.

Alison: Traffic drives by the site quickly and there will be more traffic. People coming out of driveways will have a hard time looking towards the downtown Augusta.

Lionel: Each driveway will need to meet the sight distance standards when the lot is developed. The driveway locations are noted on the plan, and should be in compliance with City standards.

Delaine: Concerned with overflow parking occurring on this road. Could create a potentially hazardous situation. Mount Vernon Road is an obvious shortcut from neighboring towns.

Lionel: Typically parking would not occur on the street with these larger rural lots, there would be room on their property. Generally, people probably would not want to park on the road due to the amount of traffic and dump truck travel. Minimum sight distance will be met for each driveway; otherwise a permit will not be issued.

Delaine: When you review a plan like this for safety and sight distance, do you look to the growth management plan, the comprehensive plan to guide you? Or are you looking strictly at City Ordinances and Design Standards.

Lionel: I look at the latter.

Matt: The lots are one acre in size, and there should be adequate parking available on each site. This is an area that is a cut-through for many residents from neighboring towns.

Delaine: Concerned about the parking, because it will be challenging to place a house and septic due to steep slopes and wetness along the road.

Tom: He travels this road, and has noticed lots of wetlands along the road, but does not see wetlands delineated.

Matt: The state resources do not note wetlands along the road, although small unmapped wetlands could exist on the site. A MDEP permit could be required for wetland filling.

Development could be pushed back further into the parcels with steeper slopes. City Engineer review would be required for driveways and culverts to meet design standards.

Tom: Individual property owners would come to the city for development permits?

Matt: Yes, owners would need to apply for a building permit, plumbing permit, driveway permit, etc.

Applicant: Willie Boynton, Boynton and Pickett. There are no plans to further divide the larger lot. He notes the sight distances for each driveway. Everett Drake, soil scientist, did a soil test on the 4 proposed lots. He assured Boynton and Pickett that there are no wetlands on these lots; however it is a low elevation. Linda Roderick owns the property. Her husband put the slab in for the tomato business in Madison, so he is capable of installing foundations for these houses. There is a note on the plan for construction on steep slopes.

Public Hearing Opened:

Public to Speak in Favor of the Application: None.

Public to Speak Against the Application:

John Fairfield: Abutter to the north. He has runoff from his property which runs through these proposed lots and has concerns if development will block the water flow. Bringing houses up to the road elevation could block the water.

Delaine: The property has been clearcut, and more erosion occurs due to reduced vegetation.

Donna Fairfield: What will be done about the road? It is a heavily traveled dirt road which is not being taken care of and is very difficult to drive on in the spring. Augusta has not improved the road in this area. More houses and more traffic are being proposed in the area.

Justin: Is there anything in the Land Use Ordinance that would require the applicant to improve the road?

Matt: No. Not for this size of development.

Justin: Mrs. Fairfield should address City Council about the road.

Kevin Dostie: His grandfather owned this land previously, and his grandfather was big on conservation. He wanted to develop this land several years ago and was told by professionals that this land would be expensive to develop. The new owner harvested the timber. This area is a nice community. The topsoil was stripped on parts of the lot. Private sewer systems would not pass properly; the flat land has been stripped of topsoil. Mrs. Roderick is not here tonight, and doesn't care about our community. She overpaid for a woodlot and wants to subdivide the property. Mr. Drake, the site evaluator, did very quick test sites. They are located in the ditch, and are placed in the setback. He feels there could be some dishonesty about how the perc tests were done. He thinks 75 feet setback is required from water, one of these test pits is within 45 feet of running water, another test pit is 60 feet from running water. The test pit on lot 3 is near

cattails, wetland plants. Lot 4 is wet. He does not know why the wetlands were not on the plan; he brings out a plan noting a stream and wetlands. Water flows through all of these lots. The logger had to be shut down because they were not meeting the MDEP standards and were close to water/wetlands on the site. Wetland is shown on the tax map. He would not recommend approving this plan. Anyone building on these lots will be covered with dust from vehicles traveling on the road.

Matt: Passes Kevin Dostie's plan around to Board Members.

Public to Speak Neither for nor Against the Application: None.

Applicant: Willie Boynton. Being from Norridgewock is not from away. Linda and Charlie Roderick are great people. Boynton & Pickett referenced the plan Kevin Dostie brought to the Board tonight. There are no wetlands on the Coffin Engineering plan. Everett Drake, the site evaluator, has been doing this work for years. The work took more than 20 minutes. There will be fine homes built on these lots, they are one acre lots. The west side has been very well ditched and the road is well constructed. The water drains from north to south, and development would not affect Mr. Fairfield's property. That would not be a sound development practice.

Public Hearing Closed.

Board Discussion:

Delaine: She went out and looked at the lots and drove up to the Sanford Road. She has concerns about traffic. In the future, this road will become more heavily traveled. Concerned with visibility. Page 51 of the Comprehensive Plan, the natural resources in this area are important to protect. Impervious surfaces should not exceed 10% and clustering of development should be encouraged. Curb cuts will be limited. Page 53, General Standards for Land Use, permits for the creation of new lots and driveways should be required to maintain safe access to public roads and to maintain orderly development patterns. This road could easily become a gateway in the future. Page 54, Section 3, Site Plan Review and Subdivisions, provide a high level of scrutiny for subdivisions and site plan review. It is important that we take great care in reviewing subdivisions; the bar should be set a bit higher than the bare minimum. She is not in favor of the application as proposed.

Justin: Is there a definition of Cluster in the Land Use Ordinance?

Matt: There is a Conservation Subdivision, which is essentially a Cluster Subdivision. This would allow for smaller lots and more open space. There is guidance in the Comprehensive Plan about using cluster development, but no requirement to develop in this manner.

Tom: Are there concerns about wetlands?

Lionel: We can take Boynton & Pickett at their word that this is not a "wetland" even though the area is wet.

Steve: Concerned about the drainage, particularly on the first lot.

Alison: Concerned about seeing a wetland on the tax map and the plan from Mr. Dostie which is not shown on the applicant's map.

Justin: The Council decides where the bar is set for the Land Use Ordinance standards.

Matt: The Planning Board does not have a lot of leeway with a design like this in terms of standards like lot size, driveway locations. From a neighborhood compatibility review, these are lines on a map, so hard to make a determination. If there are concerns about wetlands, the Board can ask the applicant for more information.

Delaine: I move in the matter of the application of Linda S. Roderick, Spring Brook Estates, for a Major Subdivision on Mount Vernon Road, zoned Rural River, identified on Tax Map 5, Lot 185A and Map 5 Lot 185 existing. In the matter of the application to create a subdivision there I move that we deny the application based on the conclusion of law identified as 4.4.1.9 as it relates to conformity with City ordinances and plans that says that the proposal complies with the 2007 Comprehensive Plan and Land Use Ordinance, because in her opinion it does not comply based on her comments earlier.

Second: Steve?

Discussion:

Alison: Are you sure you don't want to table this and get more information about the wetlands?

Delaine: Feels that more information about the wetlands will not be enough to get a positive vote from her. The creation of 4 new driveways is a large issue for her. She would like the applicant to come back with a new plan.

Vote: 4:2. Motion passes. Application is Denied.

Public Hearing: General Rezoning. Application of Rick Tardiff, REWITS, LLC and Kennebec Savings Bank to reclassify three parcels of land and a portion of another parcel from the Rural River District (RR) to Industrial District (IA). Assessor's Map 5A Lots 32, 33 and 51 and a portion of Map 79 Lot 14. Located at 589 Leighton Road, 607 Leighton Road, 61 Darin Drive and 330 Civic Center Drive.

Matt Nazar gave an overview of this agenda item. Additional information was received this evening in regards to the rezoning and distributed to Planning Board Members. The Planning Board would make a recommendation to City Council based on this application.

Justin: At the northern house, is the new line shown on the handout a new property line?

Matt: Yes, the new line will be a lot line and zone line.

Delaine: Does the one acre lot shown at this northern house comply with zoning?

Matt: Yes, the minimum requirement is 1 acre in the RR Zone.

Applicant: Rick Tardiff. Two applications were heard by the Historic Preservation Commission for demolition of 607 and 589 Leighton Road. The application for 589 Leighton Road demolition was granted. The 607 Leighton Road property was determined to be built around the 1800's and

the application for demolition was withdrawn. A new property line was created so the property could be sold.

Public Hearing Opened:

Public to Speak in Favor of the Application:

Richard Duncan, resident of Hescoc Street. He sold 607 Leighton Road to Mr. Tardiff and lived there for four and a half decades. Mr. Tardiff is a hard-nosed business man and easy to work with. He asks the board to approve this application.

Public to Speak Against the Application: None.

Public to Speak Neither for nor Against the Application: None.

Public Hearing Closed.

Board Discussion:

Delaine: Mr. Duncan use to sit on the Augusta Planning Board, he did a fine job and she is pleased to see him tonight. She is pleased with the reworking of the property lines and the preserving of the old Duncan property. She is in favor of approving the application as proposed on the drawing tonight.

Alison: This is concerning the application of Rick Tardiff, REWITTS LLC, and KENNEBEC SAVINGS BANK requesting a general rezoning of four lots from RR to IA. REWITTS proposes to add on to their existing facility and believes the rezoning will enable them to add on to the west side of their building without encroaching on a residential zone. KENNEBEC SAVINGS BANK would like to simplify the zoning on their own lot, which currently sits in three different zones. The lots in question are located at 589 & 607 Leighton Rd, 61 Darin Drive and 330 Civic Center Drive and can be found on Tax Map 5A, Lots 32, 33 and 51, and on Tax Map 79, a portion of Lot 14. All are presently located in the Rural River District (RR) zone.

I believe the project as presented on the plan dated March 8 and delineated by the purple line meets all the criteria necessary for this zone change to occur. On this same plan the size of Lot 32 has been reduced to 1 acre and will remain in the RR zone.

In the five areas of consideration:

1. The rezoning is consistent with both the 1988 Growth Management Plan and the 2007 Comprehensive Plan. This area has been identified as part of the Growth Area for the City of Augusta.
2. The rezoning is consistent with established land use patterns and will simplify the zoning for both JS McCarthy and Kennebec Savings Bank.
3. As the proposed rezoning is abutted by an existing zone of the same designation, this rezoning will not create spot zoning.
4. Adequate utilities, roads and services already exist in these areas.

5. The rezoning is justified by changing condition(s). REWITTS, LLC, is a successful business that wishes to stay in Augusta and needs the additional land in order to expand their primary place of business thus enabling them to continue to grow and thrive. KENNEBEC SAVINGS BANK would like to clean up what they believe is now an outdated zoning division on their property.

I proposed that we approve the requested zone changes and send them to council with our recommendation that these changes be adopted.

Second: Delaine.

Vote: 6:0. All in Favor. Motion passes.

Matt: This will go to City Council for Informational Meeting then Two Business Meetings

Minutes

February 23, 2016 Minutes

Motion by Alison to approve the minutes as written.

Second: Steve

Vote: 5:0:1. Heather abstained as she was not present at the meeting. Motion passed.

Adjourn

Motion by Steve to adjourn at 8:43 pm.

Second: Delaine.

Further Discussion. None.

Vote: 6:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.