

**DRAFT - UNAPPROVED
PLANNING BOARD MEETING
MINUTES**

Minutes of the Augusta Planning Board meeting held on April 12, 2016

Board members present: Justin Poirier, Alison Nichols, Steve Dumont, Tom Connors, Corey Vose, Pete Pare

Board members absent: Bill McKenna, Delaine Nye, Heather Pouliot

City staff present: Matt Nazar, Lionel Cayer, Betsy Poulin

Guests present: Jim Coffin, Kevin McCarthy, Danny McCarthy, D. Blaney, J. Kimmell, B. Bourret, Cecil Munson, J Patrick Murphy, Ms. Conley, Norma Brewer.

Public Hearing: General Rezoning. Application of MJH LLC to reclassify a portion of a parcel from the Rural River District (RR) to Civic Center District (CD). Assessor's Map 9 portion of Lot 62. Located on Civic Center Drive across from the Bond Brook Road intersection.

Matt Nazar gave an overview of this agenda item.

Applicant: Jim Coffin, Coffin Engineering and Survey representing MJH, LLC. The parcel is divided by two zones. MJH, LLC would like to rezone the RR portion of the property only. They have both a MDEP Stream Crossing Permit and a General Permit to clear the stumps. The bridge will cost approximately \$100,000.

Peter: Is this piece of property the one listed for sale on Civic Center Drive?

Jim: Yes, this is the property for sale on Civic Center Drive. MJH, LLC spoke with Dennis Brockway to purchase land up by Stone Ridge Drive, but decided it was not in his best interest to purchase. Dennis has no interest in developing the back property anymore, trying to sell it to reduce his taxable property.

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:

Norma Brewer, lives on Windy Street. Will the property behind her be developed? She has been at her house for 35 years and would like to purchase the land behind her property.

Ms. Conley, lives on Windy Street. Her neighbor, McKenney, bought some land behind her property. Wondering if the larger piece of land behind her will be developed in some way.

Matt: Both Ms. Brewer and Ms. Conley abut property which is along the paper street Melody Lane. Matt understands that Dennis Brockway would be interested in selling to abutters on Windy Street, based on what Jim Coffin noted tonight. There is some distance between the residences and the proposed rezoning area.

Public Hearing Closed.

Jim Coffin: Offers to Ms. Brewer and Ms. Conley to come to his office to see some plans of where their property is located in relation to other properties being discussed.

Board Discussion:

Alison: The rezoning makes sense to her, since it is on Civic Center Drive. It will clean up the zoning boundaries.

Peter: Doesn't see the downside of the proposal.

Motion by Alison: This is concerning the application of Mike Hammond, MJH, LLC requesting a general rezoning of one portion of a lot from RR (Rural River) to CD (Civic Center District). A portion of the lot known as Assessor's Map 9 Lot 62 is the lot in question and is located on Civic Center Drive across from the Bond Brook Road intersection.

In the five areas of consideration:

1. The rezoning is consistent with both the 1988 Growth Management Plan and the 2007 Comprehensive Plan. The Future Land Use map in the 2007 plan notes the area is within the Economic Growth Area, but identifies the area as rural, sandwiched between two commercial areas.
2. The rezoning is consistent with established land use patterns. There is new commercial development both in the area and immediately adjacent to this property.
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). Development along Civic Center Drive continues to increase, just as the 2007 Comprehensive Plan suggested. The proposed rezoning will create a closer link between commercial properties on Civic Center Drive and Mount Vernon Avenue.

I propose that we approve the requested zone change and send the following language to council with our recommendation for adoption.

A portion of the lot known as Assessor's Map 9 Lot 62 shown on *Rezoning Plan for MJH LLC* by ES Coffin Engineering and Surveying dated March 4, 2016, and currently zoned Rural River

District (RR) shall be rezoned in accordance with Section 300-106.B.(d)[1] of the Augusta Land Use Ordinance. The new zone shall be Civic Center District (CD).

Second: Tom.

Discussion: None.

Vote: 5:0. All in Favor. Motion passes.

Matt: This will go to City Council as a recommendation at the next available Informational Meeting then Two Business Meetings. Voting typically occurs at the second meeting.

Public Hearing: Conditional Use. Application of Danny McCarthy/JODON LLC to operate The Copy Center Plus in an existing building. The Conditional Use Review process allows a non-conforming use, specialty print shop, to succeed an existing non-conforming use, neighborhood groceries/variety store. Assessor's Map 33 Lot 55. Located at 179 State Street in the Institute/Business/Professional District (BP).

Matt Nazar gave an overview of this agenda item.

Alison: There is a bufferyard to the south, a sign to the north. Is there a proposal to add more buffering?

Matt: No buffering is proposed.

Justin: Lionel, are there any concerns?

Lionel: No concerns, the circulation works well.

Applicant: Kevin McCarthy/JODON LLC. With Danny McCarthy partner. They have a small business on Western Avenue with limited space and would like to move to this building as it has more space and is more accessible.

Alison: Are there plans to landscape?

Kevin: They will do their part for urban renewal. Repaving and striping the lot. The budget is tight and landscaping is not proposed.

Alison: Are changes anticipated to the lighting? It don't appear to be full-cutoff currently.

Danny: Full cutoff lighting will be added.

Kevin: No dumpster is anticipated.

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: Excited to see the property improved.

Motion by Alison: This is concerning the application of Danny McCarthy/JODON LLC. The applicant is asking for a Conditional Use review to convert the former Cumberland Farms to the Copy Center Plus. The project is located at 179 State Street on Tax Map 33 and is Lot 55. It is located in the Institutional/Business/Professional District (BP). Since both uses are non-conforming uses in this district, a conditional review is necessary to determine whether the proposed new use will have less impact on the surrounding area than the previous use.

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 has requested waivers from the Stormwater Management requirements, the Traffic Report requirements and some of the submission requirements of the ordinance. Since the developed area of the site will not change, the anticipated traffic volume of the proposed use will be low and staff finds the materials submitted are sufficient, staff supports these waiver requests. These waivers are therefore 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(s).

1. All exterior lighting shall be full-cut-off, as is required by our ordinance.

I move to approve the application as stipulated above.

Second: Corey.

Further Discussion: None.

Vote: 5:0. All in Favor. Motion passes.

Workshop: Planned Development 2 District (PD2). Addition of the land use "Manufactured housing park/land lease community."

Matt Nazar gave an overview of this agenda item. The rezoning of Riverside Drive from PD to PD2 occurred in 2013. There were at least 4 public hearings by the Planning Board. City Council meetings occurred to make the change. Manufactured housing parks/land lease communities were removed from allowed uses. The existing parks are now non-conforming. In 2007, a 67 unit subdivision/land lease community, was approved to the north of Brookside Drive near Riggs Brook. The approval lapsed, however MDEP permits were kept current. The owner has no option to develop the parcel as it was approved in 2007. They would like to move forward with the development. Is the Board interested in adding Manufactured Housing Parks/Land Lease Communities as a Conditional Use in the PD2 Zone? The property owner cannot initiate the change on his own, as it would affect the entire district.

Peter: Is the owner looking to expand the current area?

Matt: He owns land to the south of the existing Manufactured Home Park. There is one bridge crossing the stream to access the existing property. If the bridge was damaged, emergency access would not be possible.

Peter: Is this the only option?

Matt: The other option is to change the zoning to PD. The parcels are large, so it wouldn't be considered spot zoning.

Peter: Adding the use feels a lot different since it applies to the entire zone.

Matt: Doesn't remember this being a huge discussion to not allow this use.

Alison: Doesn't remember a big discussion about the use either. Could the approval proceed another way?

Matt: It cannot proceed in another way. The 2007 discussions mentioned how the RA Zone abutting the property would interface with the Manufactured Home Park. The proposal for the housing units in the park would be a different style.

Tom: How large is the PD2 zone?

Matt: Essentially from Riggs Brook to the Vassalboro Town Line, one to two lots deep.

Alison: Would be more in favor of changing the zoning to PD for this area.

Corey: PD2 originated as an attempt to appease one person, but affected all of Riverside Drive. Some good was created. He doesn't remember purposefully removing Manufactured Housing Parks. He supports adding the use or changing to PD.

Alison: Does anyone object to discussing pursuing this?

Matt: Corey described this well, the PD2 zone was created based on the CN Brown/Big Apple development. Riverside Drive is mixed use. The reason for the change was primarily to reduce the size of commercial impacts along Riverside Drive. There was support along the corridor for mixed uses, many people spoke. Most were in favor of the change. The scopes and types of commercial uses became more limited in scale and impact. In terms of impacts, from his recollection of the meetings, residential development was less of a concern.

Justin: No action needs to be made tonight, only a decision to pursue discussions.

Matt: Adding the use or changing the zone are two options that could be considered. Councilor Munson is present tonight; he might be able to shed some light on the subject.

Cecil Munson, resident of 760 Riverside Drive and City Councilor. The reason the PD2 zone was created was CN Brown. There was no choice in how the development occurred. PD in a small area could work for the manufactured housing park. Could a contract zone work?

Matt: The way the ordinance has been interpreted, contract PD could be allowed in this area. It would be the only allowed use for that piece of land.

Justin: Would the public have concerns adding the use?

Cecil: Feels it would be an issue for those who were part of the discussions about the PD2 zone.

Justin: Would like to hear the options available at the next meeting.

Corey: The discussion should be whether we want to add the use in the zone or not. All the other options are a bit much. Feels the discussion was to fit a particular need.

Alison: Agrees, this is housing. If someone abuts a new PD zone, they could expand that zone.

Corey: If we aren't in favor of more Manufactured Parks in this zone, than there is no need to discuss.

Justin: Can you bring a few options to the Board?

Matt: Yes, it will be placed on the agenda.

Matt: On another matter, there is a deadline approaching for a potential appeal from the denial of the Spring Brook Estates Subdivision.

Minutes

March 8, 2016 Minutes

Motion by Alison to approve the minutes as written.

Second: Steve

Vote: 3:0:2. Corey and Peter abstained as they were not present at the meeting. Motion passed.

Adjourn

Motion by Corey to adjourn at 8:12 pm.

Second: Steve

Further Discussion. None.

Vote: 5:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.