

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 Betsy Poulin, Assistant Planner

DATE: November 9, 2016

RE: Downtown LLC

SUMMARY OF REQUEST

Request: The request is for a Major Subdivision review as per Section 300-406. The applicant proposes to convert office space to 12 residential apartments.

Owner: Downtown LLC

Applicant: Downtown LLC

Location: 283 Water Street

Zoning: Kennebec Business 1 District (KBD1), General Development Shoreland Overlay Zone (GD)

Tax Map Number: Map 34, Lot 44

Existing Land Use: Business and Professional Offices and Services

Proposed Land Use: Multiple Family Dwelling

Acreage: 0.14 acres

SUMMARY OF SUBMITTAL PACKAGE

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

1. Subdivision Review Application
2. Deed
3. Project Narrative
4. Floor Plans

Areas of Concern

1. The Greater Augusta Utility District has comments concerning water service, see below under Staff Review.
2. The subdivision plat plans shall be stamped by a surveyor or engineer prior to recording in the Kennebec County Registry of Deeds.

Waivers

The applicant has requested numerous waivers from plan, narrative and application materials requirements.

Plan requirement waiver requests include: n. Drainage and erosion control; o. Utilities, existing and proposed; p. Topography, 2 foot contours; u. Traffic controls, off-street parking and facilities; v. Proposed fire protection plans or needs; w. Landscaping and buffering; x. Outdoor lighting plan; y. Freshwater wetlands; z. River, stream or brook.

Due to the fact that the subdivision is entirely within an existing building and has been reviewed by the State Fire Marshall, Staff recommends granting these waivers.

Narrative waiver requests include: 4. Soil Erosion; 14. Flood Areas; 24. Traffic pattern, flow and volume analysis; 25. Public Facilities - utilities including stormwater.

A flood map has been submitted by the applicant. The Staff Memo has reviewed these items for compliance with the Land Use Ordinance, see below.

Application materials waiver requests include: Letter authorizing the agent to represent the applicant; 3 copies of any stormwater report; 2 copies of any traffic report and 4 full-sized complete plan sets.

The applicant and owner submitted the application; therefore no authorization letter is necessary. Stormwater or Traffic Reports were not deemed necessary by Staff. The plan sets submitted were adequate for subdivision review.

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 does not have any concerns.

The Greater Augusta Utility District has the following comments:

1. The building requires the installation of a new minimum 2" diameter water service to supply the proposed renovations.
 - a. This service may be connected to the existing 6" fire sprinkler riser inside the building with approval of the fire protection engineer. The District will need this approval in writing prior to any connections being made. If approval is not granted then a new water service would need to be connected to the water main in Front Street and brought into the building.
2. The domestic water service entrance shall be arranged in a multi-meter manifold that will have individual meters for the yoga studio, restaurant, and one meter to supply all residential units. Meter sizes will be determined by the District and all costs will be the responsibility of the developer.

The Fire Department does not have any concerns.

Lot Characteristics

Impervious Surface Ratio – The maximum impervious surface ratio is 1.0. No change is proposed.

Floor Area Ratio – The maximum floor area ratio is 5.0. No change is proposed.

Maximum Height – The maximum height is 80 feet. No change is proposed.

CRITERIA FOR REVIEW OF A MAJOR SUBDIVISION

(Section 300-406 of the LUO; includes Section 300-603, Conditional Use Review)

Neighborhood Compatibility (Section 300-603.E (1) of the LUO)

(a) *Land Use/ Visual Integrity:*

- [1] *Land Uses:* The applicant proposes to convert the 3rd, 4th and 5th floors from commercial office space to 12 residential apartments. Upper floors of buildings along Water Street have a mix of uses, including residential apartments.
- [2] *Architectural Design:* The exterior of the building on the apartment levels will include upgraded windows, decks on the river side of the building, and a rooftop deck on the 5th floor.
- [3] *Scale, Bulk, Building Height:* No change is proposed.

- [4] *Identity, Historical Character:* Downtown Augusta is a mix of commercial and residential spaces.
- [5] *Disposition and Orientation:* No change is proposed.
- [6] *Visual Integrity:* No significant changes are proposed to affect the visual integrity.
- (b) *Privacy:* The proposal will maintain the privacy of residents in the immediate area.
- (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 find that the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.



283 Water Street viewed from Winthrop Street. Top three floors have proposed apartment units.

Plans and Policies (Section 300-603.E (2) of the LUO)

The proposal is in the River/Downtown District as noted in the 2007 Comprehensive Plan. The Plan calls for re-occupying the upper floors of buildings with offices and residential uses.

Staff recommends that the Board find that the proposal is in accordance with the 2007 Comprehensive Plan.

Traffic Pattern, Flow and Volume (Section 300-603.E (3) of the LUO)

- (a) *Additional Traffic:* The amount of traffic is not anticipated to have a greater impact than the previous use, office space.

- (b) *Safe Access*: No change in access is proposed. Safe access will continue.
- (c) *Emergency*: The building plans note a Knox Box intercom, addressable fire alarm panel and two stairway exits from the apartment units. The plans have been approved by the State Fire Marshall.
- (d) *Movement/Parking*: The Kennebec Business 1 District does not have any parking requirements. The Land Use Ordinance's schedule of required off street parking notes that each apartments should have 2 parking spaces. The proposed project's 12 apartment units should have 24 parking spaces available. The Augusta Parking District confirmed more than adequate availability for Resident Parking Permits.

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 300-603.E (4) of the LUO)

- (a) *Water Supply*: The building is served by public water. The Greater Augusta Utility District requested changes to the water service, as noted above on Page 2 under Staff Review.
- (b) *Sanitary/Sewer/Subsurface Waste Disposal*: The building is served by public sewer. The Greater Augusta Utility District has no concerns regarding the residential service.
- (c) *Electricity/Telephone*: The building is currently served by electricity.
- (d) *Storm Drainage*: No change to the storm drainage is proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Public Facilities with the noted requirements of the Greater Augusta Utility District in regards to water service.

Resource Protection and Environment (Section 300-603.E (5) of the LUO)

- (a) *Sensitive Areas*: No sensitive areas will be impacted.
- (b) *Air Quality*: The proposal conforms to air quality standards.
- (c) *Water Quality*: The proposal conforms to water quality standards.
- (d) *Sewage/Industrial Waste*: Sewage will be disposed of in the public sewer. No industrial waste is proposed.
- (e) *Shoreland/Wetland Districts*: The proposed use is within the General Development Shoreland Overlay Zone. The proposal complies with Shoreland Zoning standards.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment.

Performance Standards (Section 300-603.E (6) of the LUO)

- (a) *Performance and Dimensional Standards*: The proposal complies with the performance and dimensional standards.
- (b) *Noise*: Heating/cooling heat pump units will be mounted on the roof. The specification sheet notes 54 dBA for the unit, below the 60 dBA standard at the property line. Noise is not a concern.

- (c) *Glare/Heat*: The proposal does not involve glare or heat.
- (d) *Exterior Lighting*: No exterior lighting is proposed.
- (e) *Screening*: No change is proposed.
- (f) *Signage*: No signage is proposed.

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



View from intersection of Water Street and Winthrop Street, looking east.

Financial and Technical Ability (Section 300-603.E (7) of the LUO)

The applicant, Richard Parkhurst of Downtown LLC, and contractor, J.F. Scott Construction, have the financial and technical ability to complete the project. Downtown LLC is a corporation in the State of Maine with good standing. J.F. Scott Construction worked on both the Lithgow Library and Alford Center for Health in Augusta.

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

Pollution (Section 300-404.B (1) of the LUO)

- a) *Floodplain:* The building is within the 100 year floodplain; however the apartment units are above floodplain elevation.
- b) *Ability of Soils to support waste disposal:* Not applicable.
- c) *Slopes effect on effluents:* Not applicable.
- d) *Streams for disposal of effluents:* Not applicable.
- e) *Applicable health and water resource rules:* Not applicable.

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



View of rear of building from parking lot along Kennebec River.

Sufficient Water (Section 300-404.B (2) 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 Sufficient Water.

Municipal Water Supply (Section 300-404.B (3) 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 Municipal Water Supply.

Soil Erosion (Section 300-404.B (4) of the LUO)

No soil disturbance is proposed.

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 300-404.B (5) of the LUO)

See the Traffic Pattern, Flow and Volume section.

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 300-404.B (6) and 300-404.B (7) of the LUO)

See the Public Facilities section regarding sewage waste. Solid waste will be disposed of by a private waste hauler.

Staff recommends that the Board find that the proposal in compliance with the Sewage Waste and Municipal Solid Waste Disposal section.

Aesthetic, Cultural, and Natural Values (Section 300-404.B (8) of the LUO)

The proposal will not have an undue adverse effect on aesthetic, cultural and natural values.

Staff recommends that the Board find that the proposal is in compliance with Aesthetic, Cultural and Natural Values.

Conformity with City Ordinances and Plans (Section 300-404.B (9) of the LUO)

See the Plans and Policies and Performance Standards sections.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Conformity with City Ordinances and Plans.

Financial and Technical Ability (Section 300-404.B (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 300-404.B (11) of the LUO)

The proposal will not adversely affect the Kennebec River.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Surface Waters and Outstanding River Segments.

Ground Water (Section 300-404.B (12) 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 Ground Water.

Flood Areas (Section 300-404.B (13) of the LUO)

The proposed apartments are 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 300-404.B (14) of the LUO)

See the Resource Protection section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Freshwater Wetlands.

Stormwater (Section 300-404.B (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 300-404.B (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 Access to Direct Sunlight.

Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 300-404.B (18) of the LUO)

The proposal is not regulated by Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377.
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 300-404.B (19) of the LUO)

No spaghetti-lots are proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Spaghetti-lots.

Outdoor Lighting (Section 300-404.B (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.