

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**Capital Area Recreation Association  
Minor Development Application  
Findings of Fact and Conclusions of Law**

Pursuant to the provisions of the City of Augusta Land Use Ordinance, the City of Augusta Planning Board has considered the application of Capital Area Recreation Association, including supportive data, staff review comments, public hearing testimony, and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law.

**Findings of Fact**

1. **Project Description:** The request is for a Minor Development review as per Section 4.5. The applicant proposes to construct a parking lot and make changes to the access roads.
2. **Owner:** State of Maine
3. **Applicant:** Capital Area Recreation Association
4. **Location:** Piggery Road
5. **Zoning:** Rural Residential (RRES) District
6. **Tax Map Number:** Map 10, Lot 32
7. **Existing Land Use:** Recreation
8. **Acreage:** 84 acres
9. On February 6, 2014, the applicant submitted the following:
  - a. Development Review Application Form
  - b. Narrative
  - c. Site Plans
  - d. Lease
  - e. Letter from State of Maine, Department of Agriculture, Conservation & Forestry
  - f. Survey waiver request
  - g. Stormwater report
10. On February 22, 2014 and March 1, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
11. On **February 12, 2014**, City staff mailed notices to the owners of properties located within 1000 feet of the property regarding the public hearing regarding the application.

**12. On March 11, 2014, the Planning Board approved the survey waiver request.**

13. On March 11, 2014, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Item 9 above, the staff review dated March 5, 2014, and considered testimony by the applicant and interested members of the public. -- individuals testified at the public hearing and -- written communications regarding the application were received. The Board voted **to approve the application with conditions.**

## **Conclusions of Law**

In view of the above actions and the application and supporting documentation in the record, the Planning Board makes the following conclusions of law.

### **4.4.1 Criteria for Reviewing the Preapplication**

4.4.1.1 Pollution. The proposal will not result in undue water or air pollution.

4.4.1.2 Sufficient Water. There is sufficient water available to meet the needs of the proposal.

4.4.1.3 Municipal water supply. The proposal will not cause an unreasonable burden on the municipal water supply.

4.4.1.4 Soil erosion. The proposal will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

4.4.1.5 Highway or public road congestion. The proposal will not cause unreasonable public road congestion or unsafe conditions on public roads. The developer has made adequate provision for traffic movement of all types.

4.4.1.6 Sewage waste disposal. The proposal will provide adequate sewage waste disposal.

4.4.1.7 Municipal solid waste and sewage waste disposal. The proposal will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage.

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

4.4.1.9 Conformity with city ordinances and plans. The proposal complies with the 2007 Comprehensive Plan and the Land Use Ordinance.

4.4.1.10 Financial capacity and technical ability. The applicant has adequate financial and technical ability to meet the terms of the ordinance.

4.4.1.11 Surface waters; outstanding river segments. The proposal is not located in the watershed of a pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, subchapter I, Article 2-B.

4.4.1.12 Ground water. The proposal will not adversely affect the quality or quantity of ground water.

4.4.1.13 Flood areas. The proposal is not in a flood-prone area.

4.4.1.14 Freshwater wetlands. All freshwater wetlands on the subject parcel have been identified on maps submitted.

4.4.1.15 River, stream or brook. Any rivers, streams, or brooks within or abutting the subject parcel have been identified on maps submitted as part of the application.

4.4.1.16 Stormwater. The proposal will provide for adequate stormwater management.

4.4.1.17 Access to direct sunlight. The proposal will not block access to direct sunlight to any structures utilizing solar energy.

4.4.1.18 Title 38 M.R.S.A. The project is not regulated by the Site Location of Development Law. Not applicable.

4.4.1.19 Spaghetti lots. A subdivision is not proposed. Not applicable.

4.4.1.20 Outdoor lighting. No outdoor lighting is proposed. Not applicable.

### **6.3.4 Site Plan Criteria Applicable for Conditional Uses**

#### **6.3.4.1 Neighborhood Compatibility**

a.

- i. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.
- ii. *Architectural design.* No building is proposed. Not applicable.
- iii. *Scale, bulk, and building height.* No building is proposed. Not applicable.
- iv. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.

- v. *Disposition and orientation of the buildings.* No building is proposed. Not applicable.
- vi. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to visual integrity.
- b. The elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.
- c. The proposal will maintain safe and healthful conditions in the neighborhood.
- d. The proposal will not have a significant detrimental effect on the value of adjacent properties.

6.3.4.2 Plans and Policies. The proposal is in accordance with the 2007 Comprehensive Plan.

6.3.4.3 Traffic Pattern, Flow and Volume

- a. The proposal is designed so that the additional traffic generated does not have a significant negative impact on the surrounding neighborhood.
- b. Safe access. No new curb cuts are proposed. Not applicable.
- c. The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- d. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.

6.3.4.4 Public Facilities

- a. *Public water.* No public water will be used for the project. Not applicable.
- b. *Public sewer.* No public sewer use is proposed. Not applicable.
- c. The electric utility has adequate capacity for the project. No telephone utility is proposed.
- d. The public stormwater system has adequate capacity for the project.

6.3.4.5 Resource Protection and the Environment

- a. There are freshwater wetlands on the parcel.
- b. The proposal complies with local, state, and federal air quality standards.
- c. The proposal complies with local, state, and federal water quality standards.
- d. Portable toilets will be used seasonally. No industrial waste is proposed.
- e. The proposal is not in the shoreland zone.

6.3.4.6 Performance Standards

- a. The proposal complies with all performance and dimensional standards.
- b. The proposed land use can be conducted so that noise generated shall not exceed the performance levels specified in the performance standards.
- c. The proposal does not involve intense glare or heat.
- d. No exterior lighting is proposed.

- e. The landscaping screens parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, residences, public open space and public view.
- f. No signs are proposed. Not applicable.

6.3.4.7 Financial and Technical Ability

- a. The applicant has adequate technical ability to meet the terms of the ordinance.
- b. The applicant has adequate financial ability to meet the terms of the ordinance.

THEREFORE, the Planning Board hereby approves, with the following conditions, the application of Capital Area Recreation Association to construct a parking lot and make changes to the access roads.

**Conditions of Approval**

The following conditions shall be met prior to the Signature of Approval on the Site Plan. No site or building permit shall be issued until these conditions are met. These conditions shall be met within one year of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within one year, the applicant must come before the Planning Board for review of the conditions:

- 1. Modify the site plan so that 4% of the parking spaces are handicapped accessible.

This Conditional Approval shall expire within eighteen (18) months of the date of approval by the Planning Board, if a permit from the Bureau of Code Enforcement for the site and building work is not issued by that date.

\_\_\_\_\_  
Heather Pouliot, Planning Board Vice Chair

\_\_\_\_\_  
Date