

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

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**Alvin L. Lothridge**  
**Subdivision Amendment 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 Alvin L. Lothridge, 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:** Waiver from the requirement to construct a sidewalk along Pennmaric Road.
2. **Owner:** Alvin L. Lothridge
3. **Applicant:** Alvin L. Lothridge
4. **Location:** Pennmaric Road
5. **Zoning:** Rural Residential District (RRES)
6. **Tax Map Number:** Map 7, (No lot number)
7. **Existing Land Use:** Residential
8. **Proposed Land Use:** Residential
9. **Acreage:** No known
10. On February 18, 2014 the applicant submitted the following:
  - a. Cover letter
  - b. Petition for waiver for sidewalk requirement (Residents and owners along Pennmaric Road)
  - c. Narrative
11. On March 31, 2014 the applicant submitted the following:
  - a. Petition for waiver for sidewalk requirement (Lothridge)
12. On April 18, 2014, City staff mailed notices to the owners of properties located within 1000 feet of the property regarding the public hearing regarding the application.
13. On April 26, 2014 and May 3, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
14. On May 13, 2014, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material

listed in Items 10 and 11 above, the staff review dated May 7, 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**.

## **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. No water is required for the proposal. Not applicable.

4.4.1.3 Municipal water supply. No water is required for the proposal. Not applicable.

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. No sewage waste is proposed. Not applicable.

4.4.1.7 Municipal solid waste and sewage waste disposal. No solid waste or sewage waste is proposed. Not applicable.

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. No freshwater wetlands will be affected by the proposal. Not applicable.

4.4.1.15 River, stream or brook. No river, stream or brook will be affected by the proposal. Not applicable.

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. Section 484, Chapters 371 and 373-377. Not applicable.

4.4.1.19 Spaghetti lots. No new subdivision lots are 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 is not a consideration of the proposal. Not applicable.
  - iii. Building scale, bulk and height is not a consideration. 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 buildings is not a consideration. Not applicable.
  - vi. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to visual integrity.
- b. The proposal will not impact the privacy of the residents of the immediate area. Not applicable.

- 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. No additional traffic is proposed. Not applicable.
- b. No changes are proposed to access. Not applicable.
- c. The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- d. Entrance and parking system is not a consideration. Not applicable.

6.3.4.4 Public Facilities

- a. No change to public water is proposed. Not applicable.
- b. No change to public sewer is proposed. Not applicable.
- c. No change to electric and telephone utilities is proposed. Not applicable.
- d. No change to stormwater is proposed. Not applicable.

6.3.4.5 Resource Protection and the Environment

- a. No sensitive areas will be affected by the proposal.
- 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. No sewage or industrial waste is proposed. Not applicable.
- 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. Noise is not a consideration. Not applicable.
- c. The proposal does not involve intense glare or heat.
- d. No change to exterior lighting is proposed. Not applicable.
- e. No change to landscaping is proposed. Not applicable.
- 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 the application of Alvin L. Lothridge for a waiver from the requirement to construct a sidewalk along Pennmaric Road as described in the findings above.

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Corey A. Vose, Planning Board Chair

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Date