

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

Marshall Leavitt, Matthew Swift
Conditional Use 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 Marshall Leavitt, Matthew Swift, 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 Conditional Use Review as per Section 6.3. The applicant proposes to change a non-conforming use to another non-conforming use. The current use is warehousing / office / retail and the proposed use is auto repair/service.
2. **Owner:** American Glass Co of Waterville Inc.
3. **Applicant:** Marshall Leavitt, Matthew Swift
4. **Location:** 2 State Street
5. **Zoning:** High Density Residential (RC) District
6. **Tax Map Number:** Map 34, Lot 217
7. **Existing Land Use:** Warehousing / office / retail
8. **Proposed Lane Use:** Auto repair / service
9. **Acreage:** 0.23
10. On June 13, 2014, the applicant submitted the following:
 - a. Conditional Use Application form
 - b. Narrative
 - c. Letter of Intent
 - d. Site Plan
11. On June 21, 2014 and June 28, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
12. On June 13, 2014, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
13. On July 8, 2014, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material

listed in Item 10 above, the staff review dated July 2, 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.

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. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.
 - iii. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.
 - iv. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
 - v. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.
 - 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 will be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting.

- c. The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- d. The entrance and parking system provides for the smooth and convenient movement of vehicles both on and off the site. The proposal satisfies the parking capacity requirements of the city and provides adequate space suited to the loading and unloading of persons, materials, and goods.

6.3.4.4 Public Facilities

- a. The public water utility has adequate capacity for the project.
- b. The public sewer utility has adequate capacity for the project.
- c. The electric and telephone utilities have adequate capacity for the project.
- d. The public stormwater system has adequate capacity for the project.

6.3.4.5 Resource Protection and the Environment

- a. There are no known sensitive areas.
- 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. Sewage and industrial wastes will be treated and disposed of in such a manner as to comply with local, state and federal standards.
- 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. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.
- c. The proposal does not involve intense glare or heat.
- d. The exterior lighting will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area.
- 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. All of the signs comply with the Land Use Ordinance.

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 Marshall Leavitt and Matthew Swift to change a non-conforming use to another non-conforming use as described in the findings above.

Conditions of Approval

1. Air wrenches and other noise-generating tools shall not be operated when any of the garage doors or windows are open.

Corey A. Vose, Planning Board Chair

Date