City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT

ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

Shuman Family LLC
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 Shuman Family LLC, 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 applicant proposes to construct a 2,390 square foot addition on the Charlie's Subaru building. The proposal is a minor development.
2. Owner: Shuman Family LLC
3. Applicant: Shuman Family LLC
4. Location: 466 Western Avenue
5. Zoning: Regional Business (CC) District
6. Tax Map Number: Map 16, Lot 30
7. Existing Land Use: Automobile business
8. Proposed Land Use: Automobile business
9. Acreage: 5.8
10. On September 12, 2014, the applicant submitted the following:
    a. Development Review Application Form
    b. Agent authorization letter
    c. Deed
    d. Narrative
    e. Plan set
11. On September 27, 2014 and October 4, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
12. On September 26, 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 October 14, 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 October 8, 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(s) 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(s) 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. Section 484, Chapters 371 and 373-377. Not applicable.

4.4.1.19 Spaghetti lots. Not applicable.

4.4.1.20 Outdoor lighting. All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the parcel(s).

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. 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. 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 Shuman Family LLC to construct a 2,390 square foot addition on the Charlie's Subaru building as described in the findings above.

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Corey A. Vose, Planning Board Chair Date