

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

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**Maine Governmental Facilities Authority  
Major Development 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 Maine Governmental Facilities Authority, 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 parking lot for the courthouse.
2. **Owner:** Maine Governmental Facilities Authority
3. **Applicant:** Maine Governmental Facilities Authority
4. **Location:** Court Street
5. **Zoning:** Institutional/Business/Professional Subdistrict (BP)
6. **Tax Map Number:** Map 33, Lot 208A, 223, 230, 231, 232, and 233
7. **Existing Land Use:** Government services, residential
8. **Proposed Land Use:** Government services
9. **Acreage:** 3.01 acres total
10. On November 7, 2014, the applicant submitted the following:
  - a. Development Review Application Form
  - b. Narrative and attachments
  - c. Letter from Kennebec County Commissioners, Option, Deeds
  - d. Plan set
11. On November 22, 2014 and November 29, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
12. On November 24, 2014, the applicant submitted the following:
  - a. Conditional Use Criteria Narrative
  - b. Survey
13. On November 21, 2014, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.

14. On December 9, 2014 the Planning Board found that 32 Court Street is / is not [select one of two] a significant building as defined by the Demolition and Delay Ordinance.
15. On December 9, 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 12 above, the staff review dated December 3, 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. No water is required of the proposal. Not applicable.

4.4.1.3 Municipal water supply. No water is required of 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 proposed parking lot will not generate traffic. Not applicable.

4.4.1.6 Sewage waste disposal. No waste water is proposed. Not applicable.

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. No waste water 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. In order to comply with this standard in regards to the Land Use

Ordinance, further action is required by the applicant as specified in the Conditions of Approval 1.

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. The proposal 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. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.

### **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.* A building is not proposed. Not applicable.
- iii. *Scale, bulk, and building height.* A building is not 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.* A building is not 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. *Traffic.* The parking lot will not generate traffic. Not applicable.
- 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. *Public water.* No water is required. Not applicable.
- b. *Public sewer.* No waste water disposal is required. Not applicable.
- c. The electric utilities have adequate capacity for the project. No telephone service 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 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. No waste water disposal is required. No industrial wastes are proposed. Not applicable.
- e. The proposal is not in the shoreland zone.

#### 6.3.4.6 Performance Standards

- a. *Performance and dimensional standards.* In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.
- 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. *Exterior lighting.* In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.
- 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 Maine Governmental Facilities Authority to construct a parking lot for the courthouse as described in the findings above.

**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. Submit a photometric plan which includes footcandles that comply with the lighting standards.

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.

\_\_\_\_\_  
Corey A. Vose, Planning Board Chair

\_\_\_\_\_  
Date