

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

**Michael and Wendy Pelletier
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 Michael and Wendy Pelletier, 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 install a foundation beneath a house.
2. **Owner:** Michael and Wendy Pelletier
3. **Applicant:** Michael and Wendy Pelletier
4. **Location:** 50 Albee Road
5. **Zoning:** Rural Ponds District (RPDS); Limited Residential (LR)
6. **Tax Map Number:** Map 71, Lot 18A
7. **Existing Land Use:** Residential
8. **Proposed Land Use:** Residential
9. **Acreage:** 0.37 acres
10. On March 10, 2015, the applicant submitted the following:
 - a. Conditional Use Application form
 - b. Narrative
 - c. Deed
 - d. Site Plan
 - e. Photographs
11. On March 19, 2015, the applicant submitted:
 - a. Revised narrative
 - b. Standard Flood Hazard Determination form
12. On March 27, 2015, 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 March 28, 2015 and April 4, 2015, the Kennebec Journal published legal advertisements for the public hearing regarding the application.

14. On April 8, 2014, the applicant submitted an email regarding the height of the house after the foundation is installed.
15. On April 14, 2015, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Items 10, 11, and 14 above, the staff review dated April 8, 2015, 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. 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 located in the watershed of a lake. It will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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 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. 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. *Architectural design.* No change is proposed to architectural design. Not applicable.

- iii. *Scale, bulk, and building height.* No change is proposed to scale, bulk, and building height. 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. 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. *Additional traffic.* No additional traffic is proposed. Not applicable.
- b. *Safe access.* No change is 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.* No change is proposed. Not applicable.

6.3.4.4 Public Facilities

- a. *Public water.* The building has a private well. Not applicable.
- b. *Public sewer.* The building has a septic system. Not applicable.
- 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. The project is adjacent to Togus Pond.
- 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 will be treated and disposed of in such a manner as to comply with local, state and federal standards. No industrial waste is proposed.
- e. The proposal will adhere to these standards.

6.3.4.6 Performance Standards

- a. The proposal complies with all performance standards. The lot is a nonconforming lot of record.

- 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*. No change is proposed to exterior lighting. Not applicable.
- 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. *Signs*. 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 Michael and Wendy Pelletier to install a foundation beneath a house as described in the findings above.

This 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