

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

Annalee Morris-Polley, AMMA LLC
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 Annalee Morris-Polley, AMMA 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 modify the hours of operation.
2. **Owner:** Annalee Morris-Polley, AMMA LLC
3. **Applicant:** Annalee Morris-Polley, AMMA LLC
4. **Location:** 841 Riverside Drive
5. **Zoning:** Planned Development 2 (PD2) District
6. **Tax Map Number:** Map 2, Lot 20
7. **Existing Land Use:** Social Services
8. **Proposed Lane Use:** Retail
9. **Acreage:** 9.5 acres
10. On July 8, 2014, the Planning Board approved with conditions a proposal to change a non-conforming use, social services, to another non-conforming use, retail. The Planning Board approved the application with four conditions of approval. Condition of Approval #1 stated: The hours of operation are limited to Thursday through Saturday, 10 am to 6 pm. Conditions of Approval 2 - 4 are restated in the Conditions of Approval.
11. On May 12, 2015 the applicant submitted the following:
 - a. Letter
12. On May 30, 2015 and June 2, 2015, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
13. On May 26, 2015, City staff mailed notices to the owners of properties located within 1000 feet of the property regarding the public hearing regarding the application.
14. On June 9, 2015, 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 June 3, 2015, and considered testimony by the applicant and interested members of the public. -- individual 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. There is a private septic system on the site. 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. 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 Annalee Morris-Polley and AMMA LLC to change the hours of operation as described in the findings above.

CONDITIONS OF APPROVAL

1. The hours of operation are limited to Monday through Saturday, 9 am to 5 pm.
2. An auction may be held one to two times per month on either a Tuesday or Wednesday between the hours of 2 – 8 pm.
3. Outdoor display is allowed during the hours of operation when the business is open.
4. The storage of items outdoors shall occur no more than 24 hours before an auction and no more than 24 hours after an auction.

Corey A. Vose, Planning Board Chair

Date