

CITY OF AUGUSTA, MAINE
APPLICATION FOR
PARCEL RECLASSIFICATION/ REZONING

1. Applicant Name: MJH LLC.
Mailing Address: 2 Hammond Drive Belgrade, ME 04917
Phone Number: 207-495-3303 Email Address: MHammond@hammondlumber.com

2. Agent Name: E.S. Coffin Engineering & Surveying
Mailing Address: P.O. Box 4687 Augusta, ME 04330
Phone Number: 207-623-9475 Email Address: jcoffin@coffineng.com

3. Owner Name: MJH LLC.
Mailing Address: 2 Hammond Drive Belgrade, ME 04917
Phone Number: 207-495-3303 Email Address: MHammond@hammondlumber.com

4. Project Location (Street Address): Civic Center Drive

5. Tax Map and Lot Number: Map #9-Lot #62

6. Existing zoning district of parcel: RR & RD (split zone)

Zoning district being proposed for this parcel: CD (for the RR portion)

7. Type of zoning being applied for (check one):

General Rezoning Contract Rezoning Conditional Rezoning

Definitions:

General Rezoning: Requests to reclassify a parcel from one zoning district classification to another; no specific use is proposed. All uses listed in the requested zoning district would be allowed upon Planning Board recommendation and City Council Approval.

Contract Rezoning: Requests to reclassify a parcel from one zoning district classification to another; the requested zone would be modified, upon Board recommendation and approval by the Council, to limit the use of the property for a selected few of the listed uses.

Conditional Rezoning: Requests to reclassify a parcel from one zoning district classification to another; specific land use is proposed. The requested zone would be modified, upon Board recommendation and Council approval, to limit the use of the property to the use requested.

8. Please attach a narrative that addresses each of the following questions:

1. How the rezoning is consistent with the 2007 Comprehensive Plan.
2. How the rezoning is consistent with established land use patterns.
3. How the rezoning will not create an isolated district unrelated to adjacent districts.
4. How adequate public utilities, roads and services exist or will be provided.
5. How the rezoning is justified by a changed or changing conditions.

9. If you are submitting a "Contract" or "Conditional" Rezoning Application, please address the following:

1. What land use(s) do you propose? _____

2. Provide a detailed conceptual plan/ drawing showing your proposed development of the site.

Note: Approval of conditional or contract rezoning may include conditions and restrictions. The conditions and restrictions will only be associated with the physical development or operation of the property. The conditions and restrictions may include deed restrictions.

10. Checklist of required submissions:

Paper Copy	Included	Waiver Requested
10 copies of the application form and narratives	X	
10 copies of the deed, Purchase & Sale agreement, or other document to show standing	X	
6 reduced-sized copies of any conceptual plan on 11" x 17" size paper	X	
4 full-sized copies of any conceptual plan on ANSI D or E size paper	X	
10 copies of a letter authorizing the agent to represent the applicant	X	
Payment in full of \$150 application fee (Note: an abutter notification fee will be assessed after the application is determined to be complete. The fee is \$0.15 plus the cost of first class postage for each abutter that will be notified as required by the ordinance.)	X	
Electronic Copy		
1 CD that includes each of the application documents in Adobe PDF format	X	

11. Applicant Acknowledgement

Complete Application Required. This application is being submitted under the requirements of the Augusta Land-Use Ordinance. As the applicant, I understand that this application must contain a complete submission of required materials by the application filing deadline date in order to be heard by the Planning Board. The deadline allows for adequate review by City Staff and the Planning Board; and as such, any applications that are not complete by the filing deadline date will not be placed on the Planning Board meeting agenda. To insure review by the Planning Board on the date desired, the applicant should submit materials at least 7 days ahead of the scheduled filing deadline so that staff can determine completeness of the application.

Applicant's Signature: *J. Coble* Date: 3-1-16

For Staff Use:

\$150 Application Fee Paid.

Received By (Initials): _____ Date: _____

\$ _____ Abutter Notification Fee Paid.

Received By (Initials): _____ Date: _____

Rezoning Narrative

8. Please attach a narrative that addresses each of the following questions:

1. How the rezoning is consistent with the 2007 Comprehensive Plan.

The entire parcel is within Augusta's Growth Area per the 2007 Comprehensive Plan. We are only intending to rezone the westerly 9.1 acres of the 28 acre parcel. The remainder of the land (18.9 acres) will remain in the Resource Development (RD) District as due to steepness of slope it is essentially undevelopable. This creates a natural buffer between commercial and residential uses along Civic Center Drive in the area.

2. How the rezoning is consistent with established land use patterns.

The west portion (9.1 acres) of the parcel is proposed to be zoned within the Civic Center (CD) District, which allows a multitude of commercial uses. There are no single family residential homes west of this parcel along Civic Center Drive within one mile. The nearest single family home is over 500 feet away along Stoneridge Drive, which is over 100' higher than the grade along Civic Center Drive.

3. How the rezoning will not create an isolated district unrelated to adjacent districts.

The proposed re-zoning will not create an isolated district as the Civic Center (CD) District abuts the parcel on two sides (west & south). The remainder of the parcel will stay in the Resource Development (RD) District.

4. How adequate public utilities, roads and services exist or will be provided.

The parcel has public water and sewer running through it in the form of an easement with the Greater Augusta Utility District (GAUD). Power has been installed via overhead utility lines by the previous owner. The applicant is proposing a new access point along Civic Center Drive with a bridge spanning the stream running parallel to Civic Center Drive.

5. How the rezoning is justified by a changed or changing conditions.

This area along Civic Center Drive has been developed significantly in the last few years with commercial uses. Connected Credit Union is currently developing the parcel to the west and should be open by the fall of 2016. Dunkin Donuts was built within the last 10 years on the opposite side of Gaywalk Street. We are only asking to rezone the westerly 9.1 acres of the 28 acre parcel. The east side of the property will remain in the Resource Development (RD) District and create a natural buffer between residential uses east of the parcel along Civic Center Drive.

December 22, 2015

Mr. James Coffin, P.E.
E.S. Coffin Engineering & Surveying, LLC.
432 Cony Road
P.O. Box 4687
Augusta, Maine 04330

Subject: Agent Authorization
City rezoning application & DEP applications

Dear Mr. Coffin

The intent of this letter is to authorize E.S. Coffin Engineering & Surveying, Inc. to act as our agent in submitting applications and answering questions regarding the City of Augusta's zoning change for the residential parcel and DEP applications as needed. The applications are for MJH LLC. and their proposed properties along Civic Center Drive in Augusta, Maine.

Sincerely,

A handwritten signature in black ink that reads "Mike Hammond". The signature is written in a cursive, slightly slanted style.

Mike Hammond
MJH LLC.

**TRANSFER
TAX
PAID**

Received Kennebec SS.
12/28/2012 8:45AM
Pages 3 Attest:
BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT, D.J.M. AND ASSOCIATES, a New Hampshire partnership with a place of business in Contoocook, State of New Hampshire, in consideration of one dollar and other valuable consideration, paid by **MJH, LLC**, a Maine limited liability company with a place of business in Belgrade, County of Kennebec, State of Maine,

whose mailing address is: P.O. Box 500, Belgrade, Maine 04917

the receipt whereof, **D.J.M. AND ASSOCIATES** does hereby acknowledge, does hereby **GIVE, GRANT, BARGAIN, SELL and CONVEY** unto the said, **MJH, LLC**, its successors and assigns forever,

Three certain lots or parcels of land, bounded and described as follows:

PARCEL ONE:

A certain lot or parcel of land situated in Augusta, County of Kennebec and State of Maine, bounded and described as follows, to-wit:

Beginning on the easterly side of the highway leading from Augusta to Belgrade called "State Highway G" at an iron pin at the southwesterly corner of land now or formerly of H.R. Albert; thence easterly fifty-six and seven tenths (56.7) feet to an iron pin; thence southwesterly eight hundred forty-five (845) feet, more or less, to an iron pin on the easterly side of said highway; thence northerly eight hundred fifty-four (854) feet along said highway to an iron pin and the point of beginning. Said land is bounded on the east by land now or formerly of one Walker.

Meaning and intending hereby to convey a triangular parcel of land and being the same premises described in a deed from Joseph A. Veilleux, Jr. to Allie A. Walker, et al. by warranty deed dated June 27, 1958 and recorded in the Kennebec Registry of Deeds in Book 1122 at Page 313.

PARCEL TWO:

Also another certain lot or parcel of land situated in said Augusta on the west side of the Kennebec River and on the north side of Mount Vernon Avenue or Bond Brook Road, so-called, bounded and described as follows, to wit:

Commencing at the southeast corner of land formerly of James W. Burbank; thence running northerly on the easterly line of land of said Burbank to a stone wall; thence running easterly on the line of said stone wall to a continuation thereof to an iron rod driven in the ground and a stone monument, to land formerly of Charles W. Cummings; thence southerly on the westerly line of said Cummings' land to land formerly owned by James E. Fuller, et al.; thence westerly on the northerly line of land of said Fuller, et al. to the northwest corner of the lot owned by said

Fuller, et al.; thence southerly on the westerly line of said, Fuller, et al. land to the northerly line of Mt. Vernon Avenue, so-called; thence westerly on the northerly line of Mt. Vernon Avenue to the point of beginning, containing twenty-five acres, more or less.

Excepting and reserving premises heretofore conveyed to the following persons in the following books and pages at said Registry: George A. Doyle, Book 554, Page 440; A. Breton, Book 770, Page 215; O. Dupuis, Book 784, Page 168; P. Dostie, Book 804, Page 177 and State of Maine, Book 964, Page 330.

PARCEL THREE:

Also another certain lot or parcel of land adjacent with above premises situated in said Augusta on the west side of the Kennebec River, bounded as follows:

Beginning in the westerly line of the Rangeway between the first and second miles west of the river and in the northerly line of Bond Brook Road, so-called; thence running northerly in the westerly line of said Rangeway to land of Reuel Townsend; thence running westerly with the southerly line of said Townsend's land to land of Cottle; thence running southerly in the easterly line of said Cottle's land to said Bond Brook Road; thence running easterly by said road to the first mentioned bound. Containing forty acres, more or less.

Excepting and reserving such rights of way and water rights as said property may be encumbered with.

PARCELS TWO and THREE being the same premises conveyed by Ethel M. Babbitt to Shirley Walker, et al. by warranty deed dated March 30, 1957 and recorded in said Registry in Book 1075 at Page 261.

EXCEPTING AND RESERVING from the above described parcels of land, the premises described in the following deeds and recorded in said Registry:

A warranty deed from Allie A. Walker et al. to Burton W. Gay and Freida W. Gay, dated October 1, 1962 and recorded in said Registry in Book 1281 at Page 72.

A deed from Shirley J. Walker and Jeannette Walker to Augusta Water District and Augusta Sanitary District, dated October, 1970 and recorded on February 5, 1972 in Book 1573 at Page 720.

An easement from Shirley J. Walker, et al., to the State of Maine, dated November 27, 1974 and recorded in Book 1782 at Page 249.

Deed from Allie Walker and Jeannette Walker to Cushnoc Board of Trade, dated June 26, 1985 and recorded in Book 2817 at Page 351.

Easement from Christine Walker, et al. to the Augusta Sanitary District, dated October 3, 1985 and recorded in Book 2871 at Page 148.

Deed to Augusta Water District dated February 5, 1972 recorded in Book 1573, Page 718.

Deed to Kenneth F. Nuzzo and Dale L. Rodrigue dated July 23, 1999 recorded in Book 6017, Page 143.

MEANING AND INTENDING to convey the premises conveyed to D.J.M. AND ASSOCIATES by deed of Allie A. Walker, Jeannette H. Walker and Christine Walker dated October 31, 1985 recorded in Book 2878, Page 44 of the Kennebec County Registry of Deeds.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said MJH, LLC, its successors and assigns, to its use and behoof forever.

AND D.J.M. AND ASSOCIATES does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances except as hereinbefore set forth; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid and that it and its successors shall and will WARRANT and DEFEND the same to the said Grantee, its successors and assigns, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, Howard James, partner of D.J.M. AND ASSOCIATES have hereunto set my hand and seal in release of all rights this 21st day of December in the year two thousand twelve.

Signed, Sealed and Delivered
in presence of:

D.J.M. AND ASSOCIATES

Sharon Sagner

BY: Howard Jones
Howard Jones, Partner duly Authorized

STATE OF MAINE, Kennebec, ss.

December 21, 2012__

Personally appeared the above named Howard Jones, partner of D.J.M. AND ASSOCIATES and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of D.J.M. AND ASSOCIATES,

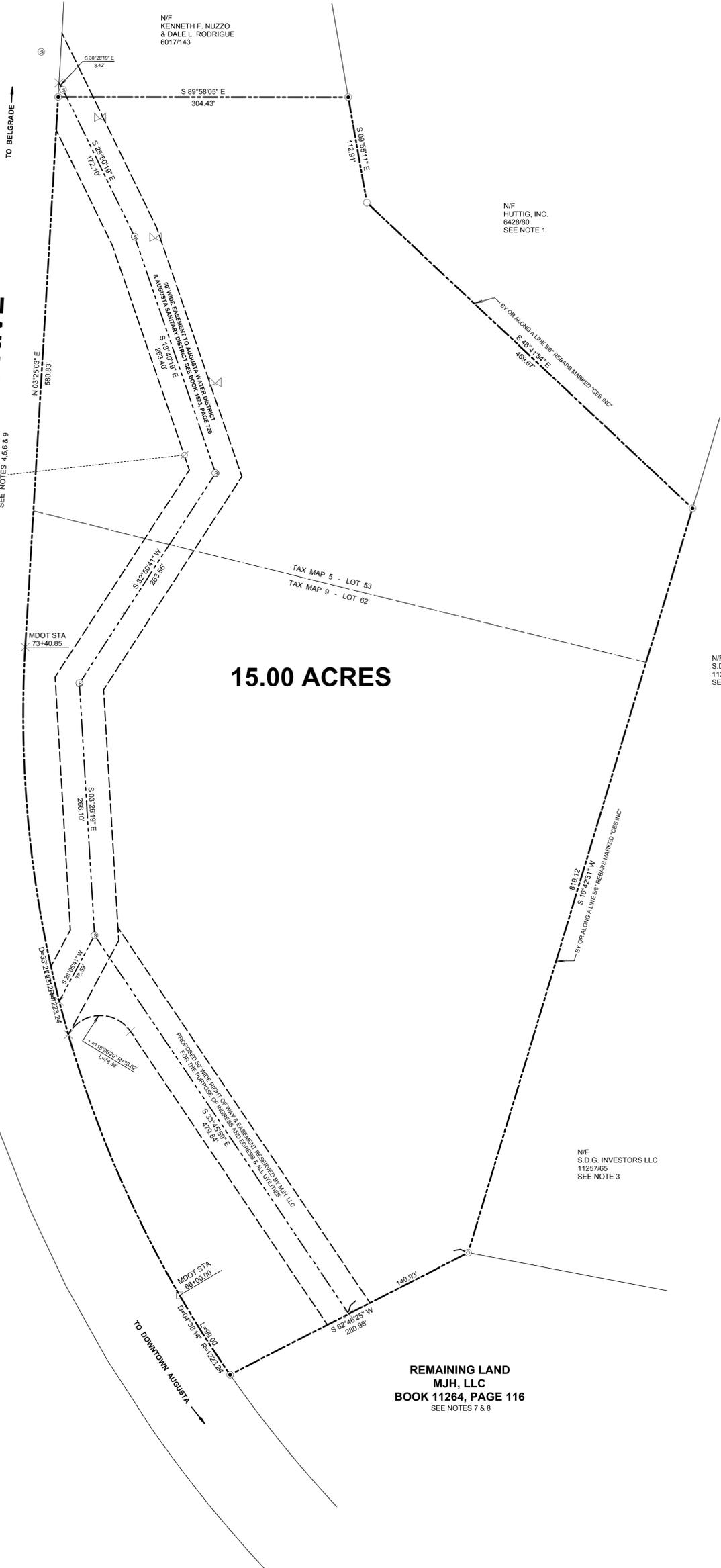
Before me,

SEAL

Diane Bean
Notary Public
Printed Name: Diane Bean

DIANE T. BEAN
Notary Public, Maine
My Commission Expires November 21, 2015 .

CIVIC CENTER DRIVE
SEE NOTES 4, 6, 8 & 9



15.00 ACRES

REMAINING LAND
MJH, LLC
BOOK 11264, PAGE 116
SEE NOTES 7 & 8



LEGEND

- 1/2" REBAR SET MARKED "PLS 1254"
- ⊙ 5/8" REBAR FOUND MARKED "CES INC-PLS 2365"
- 5/8" REBAR FOUND MARKED "PLS 1259"
- × ANGLE POINT IN LINE NOT MONUMENTED
- ⊕ UTILITY POLE
- ⊗ SEWER MANHOLE
- ⊠ WATER SHUT-OFF
- OVERHEAD UTILITY LINE
- - - - - CENTERLINE EXISTING EASEMENT & PROPOSED RIGHT OF WAY & EASEMENT
- _____ PROPERTY LINE

- NOTES**
- INTERIOR AND PERIMETER FEATURES WERE LOCATED WITH A TOPCON HIPER GA/GB GPS SYSTEM. THE MANUFACTURER STATES THAT UNDER OPTIMUM CONDITIONS POSITIONAL TOLERANCES OF LESS THAN ONE METER ARE ACHIEVABLE. DISTANCES ARE SHOWN TO THE NEAREST HUNDREDTH OF A FOOT AND BEARINGS TO THE NEAREST SECOND OF A DEGREE FOR COMPUTATIONAL PURPOSES. PLAN ORIENTATION IS TO GRID NORTH, WESTERN ZONE, NAD-1983.
 - SEE PLAN "LOT TO BE DEEDED BY CUSHNOC BOARD OF TRADE TO DJ, INC." COMPILED BY K & K LAND SURVEYING, INC., DATED JUNE 1985.
 - SEE PLANS "WOODLAND RIDGE CONDOMINIUM" COMPILED BY E.S. COFFIN ENGINEERING & SURVEYING, INC., DATED FEBRUARY 8, 2013 AND RECORDED IN THE KENNEBEC COUNTY REGISTRY OF DEEDS IN PLAN BOOK 2013, PAGES 93 & 94.
 - SEE STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE HIGHWAY "32", FEDERAL AID PROJECT NO. ER-032-1(7), DATED AUGUST 1974, SHEET 1 OF 1, D.O.T. FILE NO. 6-182.
 - SEE MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP OF STATE HIGHWAY "G", FEDERAL AID PROJECT U031-1(2), DATED MARCH 1953, SHEETS 2-4 OF 11, S.H.C. FILE NO. 6-59.
 - SEE STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE HIGHWAY "32", FEDERAL AID PROJECT NO. STP-1729(600)X, DATED FEBRUARY 2015, SHEETS 7-11 OF 11, D.O.T. FILE NO. 6-458.
 - SEE PLAN "PROPERTY OF D.J.M. & ASSOCIATES" COMPILED BY K & K LAND SURVEYING, INC. DATED APRIL 1986.
 - SEE PLAN "SURVEY FOR DMJ AND ASSOCIATES" COMPILED BY MALCOLM E. HARRIMAN, PLS #1259, DATED OCTOBER 8, 2000.
 - THIS PARCEL OF LAND IS SUBJECT TO CERTAIN RIGHTS GRANTED TO THE STATE OF MAINE FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES WITHIN THE CONSTRUCTION LIMITS AND THE CONSTRUCTION AND MAINTENANCE OF A BROOK CHANNEL. ALL AS SHOWN ON THE ABOVE MENTIONED HIGHWAY PLANS. SEE DEEDS TO THE STATE OF MAINE BOOK 964, PAGE 330 AND BOOK 1782, PAGE 249 RECORDED IN THE KENNEBEC COUNTY REGISTRY OF DEEDS.
 - TAX MAP 5, LOT 53 5.90 ACRES + TAX MAP 9, LOT 62 9.10 ACRES = 15.00 ACRES TOTAL.

SURVEY PLAN FOR
MJH, LLC
MAILING ADDRESS: P.O. BOX 500 - BELGRADE, MAINE 04917
OWNER OF RECORD: MJH, LLC FROM D.J.M. AND ASSOCIATES BY WARRANTY DEED DATED DECEMBER 21, 2012 AND RECORDED IN THE KENNEBEC COUNTY REGISTRY OF DEEDS IN BOOK 11264, PAGE 116

CIVIC CENTER DRIVE
CITY OF AUGUSTA - COUNTY OF KENNEBEC - STATE OF MAINE

SCALE: 1" = 60'

ACME LAND SURVEYING, LLC
108 FAIRBANKS ROAD, SUITE C - FARMINGTON, MAINE 04938

Approved By: *Donald A. Bate* Dated: JULY 13, 2015
DONALD A. BATE - PROFESSIONAL LAND SURVEYOR #1254



