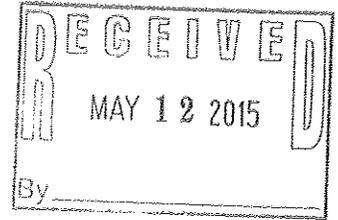


City Of Augusta  
Planning Board  
16 Cony Street,  
Augusta Me. 04330



RE: Request for amendment to conditions of approval

Dear Planning Board Members,

AMMA LLC, Annalee Morris-Polley are respectfully requesting to increase the hours of operations allowed for the used retail store located at 841 Riverside Drive. This request is submitted on behalf of the business, Anna Benanna's LLC for the purpose of financial stability.

On July 8, 2014 the planning board held a public hearing to discuss the proposal submitted by AMMA, LLC, a real-estate holding company that owns the property located at 841 Riverside Drive.

The proposal initiated by Annalee Morris-Polley, the owner of AMMA LLC, sought to change the property from a non-conforming use, social services to another non-conforming use; retail.

The Board approved the proposal with conditions as listed on page 4 numbered 1-4 in the signed and approved letter by the planning board dated 7/16/2014 and contained here in.

AMMA LLC is requesting a change to # 1 of these conditions which states:  
The hours of operations are limited to Thursday through Saturday, 10am-6pm.

This request would change the operating hours to 9am-5 pm Monday through Saturday. All other conditions would continue as originally stated.

This request would result in an increase in the amount of customers through extending the hours of operations thus increasing the percentage of availability for sales.

Your consideration to the request is appreciated

Respectfully Submitted

Annalee Morris-Polley



**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 change a non-conforming use to another non-conforming use. The current use is social services and the proposed use is retail.
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 Land Use:** Retail
9. **Acreage:** 9.5 acres
10. On June 6, 2014 the applicant submitted the following:
  - a. Conditional Use Application form
  - b. Narrative
  - c. Deed
  - d. Settlement Agreement
  - e. Membership certificates
  - f. Site plan
11. On June 21, 2014 and June 28, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
12. On June 13, 2014, 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 July 8, 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 July 2, and considered testimony by the applicant and interested members of the public. One individual testified at the public hearing and no 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.

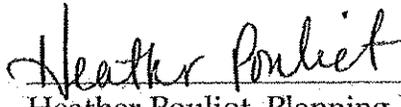
#### 6.3.4.7 Financial and Technical Ability

- 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.

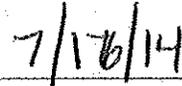
THEREFORE, the Planning Board hereby approves, with the following conditions, the application of Annalee Morris-Polley, AMMA LLC to change a non-conforming use to another non-conforming use as described in the findings above.

**CONDITIONS OF APPROVAL**

1. The hours of operation are limited to Thursday through Saturday, 10 am to 6 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.



\_\_\_\_\_  
Heather Pouliot, Planning Board Vice Chair



\_\_\_\_\_  
Date