City of Augusta, Maine

DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT

ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

W.R. Rhea Associates, LLC Subdivision
Major Subdivision 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 W.R. Rhea Associates, 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:** Creation of a six lot major subdivision on 20.27 acres of land, including five residential house lots and a vacant undeveloped lot.
2. **Applicant:** W.R. Rhea Associates, LLC
3. **Location:** Blair Road
4. **Zoning:** Planned Development 2 District (PD2) and Stream Protection 100 Shoreland Overlay District (SP100)
5. **Tax Map Number:** Map 6, Lot 43
6. **Existing Land Use:** Vacant land
7. **Proposed Land Use:** Residential house lots and vacant land
8. **Acreage:** 20.27 acres
9. On June 9, 2016 the applicant submitted the following:
    a. Subdivision Review Application Form
    b. Narrative
    c. Deed
    d. Agent Authorization Letter
    e. Subdivision Plan
10. On June 29, 2016 the applicant submitted the following:
    a. Revised Subdivision Plan
11. On July 6, 2016 the applicant submitted the following:
    a. Revised Subdivision Plan
12. On July 2, July 9, July 27, August 21, and September 3, 2016, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
13. On June 30, 2016, 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 July 12, 2016, the Planning Board held a public hearing regarding the application and a request to table to the August 9, 2016 meeting was approved. On August 9, 2016, the Planning Board held a public hearing regarding the application and a request to table to

the September 13, 2016 meeting was approved. The Planning Board conducted a detailed review of the material listed in Item 9 through 13 above, the staff review dated June 30, 2016, and considered testimony by the applicant and interested members of the public. No individuals testified at the public hearing and no 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.

300-404.B Criteria for Reviewing the Preapplication

300-404.B(1) Pollution. The proposal will not result in undue water or air pollution.

300-404.B(2) Sufficient water. There is sufficient water available to meet the needs of the proposal.

300-404.B(3) Municipal water supply. The proposal will not cause an unreasonable burden on the municipal water supply.

300-404.B(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.

300-404.B(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 provisions for traffic movement of all types.

300-404.B(6) For major developments only. Not applicable.

300-404.B(7) Sewage waste disposal. The proposal will provide adequate sewage waste disposal.

300-404.B(8) 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.

300-404.B(9) Aesthetic, cultural and natural values. The proposal will not have an undue adverse effect on aesthetic, cultural or natural values.

300-404.B(10) Conformity with city ordinances and plans. The proposal complies with the Land Use Ordinance and 2007 Comprehensive Plan.

300-404.B(11) Financial capacity and technical ability. The applicant has adequate financial and technical ability to meet the terms of the ordinance.

300-404.B(12) 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 20B.

300-404.B(13) Groundwater. The proposal will not adversely affect the quality of quantity of groundwater.

300-404.B(14) Flood areas. The proposal includes land within the 100 year floodplain, noted on the plan. A note on the plan states: *Principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation.*

300-404.B(15) Freshwater wetlands. All freshwater wetlands on the subject parcel(s) have been identified on maps submitted.

300-404.B(16) 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.

300-404.B(17) Stormwater. The proposal will provide for adequate stormwater management.

300-404.B(18) Access to direct sunlight. The proposal will not block access to direct sunlight to any structures utilizing solar energy.

300-404.B(19) Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377. The project is not regulated by the Site Location of Development Act. Not applicable.

300-404.B(20) Spaghetti Lots. The proposal does not create spaghetti lots.

300-404.B(21) Outdoor lighting. All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the parcel(s).

300-603.E Site Plan Criteria Applicable for Conditional Uses

300-603.E(1) Neighborhood compatibility.

(a) Compatibility and sensitivity to character of the site and neighborhood relative to:

[1] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.

[2] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.

[3] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.

[4] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.

[5] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.

[6] 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.

300-603.E(2) Plans and policies. The proposal is in accordance with the adopted elements of the 1988 Growth Management Plan.

300-603.E(3) Traffic pattern, flow and volume.

(a) The proposal is designed so that any 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.

300-603.E(4) Public facilities.

(a) Private wells, not applicable.
(b) Private septic, 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.

300-603.E(5) Resource protection and the environment.

(a) Sensitive areas are noted on the plans. These areas include 100 year floodplain, steep slopes, wetlands and a buffer for Inland Waterfowl/Wading Bird Habitat.
(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 Stream Protection 100 Shoreland Overlay District (SP100) is noted on the plans, along Riggs Brook.

300-603.E(6) Performance standards.

(a) The proposal complies with all performance and dimensional standards.
(b) The proposed land use can be conducted so that noise generates 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) No signage is proposed.

300-603.E(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 W.R. Rhea Associates, LLC as described in the findings above with the following additional finding. A waiver has been granted for the stormwater report requirements of the ordinance due to the fact that the proposed development is residential house lots and staff has no concerns.

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. None.

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.

Justin L. Poirier, Planning Board Chair

9/27/2016
Date