City of Augusta, Maine

DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT

ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

State of Maine – Secure Forensic Rehabilitation Facility
Major Development 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 the State of Maine, 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:** At the State of Maine's East Campus, a secure forensic rehabilitation facility with 21 beds, is proposed adjacent to the Riverview Psychiatric Recovery Center on the location of an existing parking lot. The facility will be licensed by the Department of Health and Human Services as a Residential Care Facility Level IV.
2. **Applicant:** State of Maine
3. **Location:** East Campus, between Arsenal Street and Hospital Street
4. **Zoning:** Institutional/Business/Professional Subdistrict (BP)
5. **Tax Map Number:** Map 10, Lot 8
6. **Existing Land Use:** Government Services (permitted)
7. **Proposed Land Use:** Group Home (permitted)
8. **Acreage:** 147.60 acres
9. On August 12, 2016 the applicant submitted the following:
    a. Development Review Application Form
    b. Narrative
    c. Deed
    d. Stormwater Report
    e. East Campus Parking Study
    f. Site and Architectural Plans
10. On September 16, 2016 the applicant submitted the following:
    a. Letter from Mary Mayhew, Commissioner of the Department of Health & Human Services.
11. On October 6, 2016 the applicant submitted the following:
    a. Letter from Dave Nadeau, P.E. of Stantec Consulting Services, Inc.
    b. Building floor plans for the main level
12. On August 31, September 3, October 1, and October 8, 2016 the Kennebec Journal published legal advertisements for the public hearing regarding the application.

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13. On September 1, 2016, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
14. On September 13, 2016, the Planning Board held a public hearing. Two individuals testified at the public hearing and one written communication regarding the application was received. The Planning Board tabled the public hearing to October 11, 2016 requesting additional information from the applicant.
15. On October 11, 2016, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Item 9 through 14 above, the staff reviews dated August 31, and October 6, 2016, and considered testimony by the applicant and interested members of the public. Two 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. The proposal will not cause unreasonable congestion or unsafe conditions on roads in the vicinity of the proposed development.

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 is not in a flood-prone area.

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 regulated by the Site Location of Development Act. Permit must be granted by the Maine Department of Environmental Protection prior to start of construction.

300-404.B(20) Spaghetti Lots. A subdivision is not proposed. Not applicable.

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 unlacing of persons, materials, and goods.

300-603.E(4) Public facilities.

(a) The public water utility has adequate capacity for the project.
(b) The public sewer utility has adequate capacity for the project.
(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) 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.

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) All of the signs comply with the Land Use Ordinance.

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 the State of Maine as described in the findings above.

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. The Maine DEP Site Location of Development Act permit must be issued prior to start of construction.
2. A double door exit/sally port shall be added to the northern exterior door.

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.

Corey A. Vose, Planning Board Vice Chair

10-18-16
Date