

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** Planning Board

**FROM:** Matthew Nazar, Director of Development Services  
and Betsy Poulin, Assistant Planner

**DATE:** April 27, 2016

**RE:** Shuman Family Second LLC, 465 Western Avenue  
Charlie's Nissan

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**SUMMARY OF REQUEST**

**Request:** The request is for a Minor Development review as per section 300-405 and 300-603. The applicant proposes to build a 1,224 SF addition to the existing Charlie's Nissan building located at 465 Western Avenue, adjacent to Shuman Avenue. The addition will include parts, storage and office space.

**Owner:** Shuman Family Second LLC

**Applicant:** Shuman Family Second LLC

**Location:** 465 Western Avenue

**Zoning:** CC - Regional Business District

**Tax Map Number:** Map 9, Lot 12B

**Existing Land Use:** Automobile Business

**Proposed Land Use:** Automobile Business

**Acreage:** 10 Acres

## SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Development Review Application Form
2. Narrative
3. Deed
4. Letter of Authorization
5. Site and Building Plans

### Areas of Concern

1. None.

### Waivers

1. The applicant has requested a waiver of the Stormwater Management requirements from the ordinance. Staff recommends granting this waiver.
2. The applicant has requested a waiver of the Traffic Report requirements from the ordinance. Staff recommends granting this waiver.

### Staff Review

**The Bureau of Engineering** does not have any additional concerns.

**The Bureau of Code Enforcement** does not have any additional concerns.

**The Bureau of Planning** does not have any additional concerns

### Lot Characteristics

*Minimum Front Setback* – 35 Feet. The development meets this standard.

*Imperioius Surface Ratio* – 0.85. The development meets this standard.

*Floor Area Ratio* – 0.40. The development meets this standard.

*Maximum Height* – 42 feet. The development meets this standard.

## CRITERIA FOR REVIEW OF A MINOR DEVELOPMENT (Section 300-405 of the LUO; includes Section 300-603.E Conditional Use Review)

### Neighborhood compatibility (Section 300-603.E(1) of the LUO)

- a) *Land Use/Visual Integrity:*

- [1] *Land Uses:* The Charlie's Nissan building is in the vicinity of multiple automobile dealerships. Vacant land abuts the site to the north. Across Western Avenue, some residential properties exist behind the automobile dealerships.
  - [2] *Architectural Design:* The existing building has a flat roof and the walls are painted concrete block. The proposed addition will match the existing building.
  - [3] *Scale, Bulk, Building Height:* The addition will match the existing building height and not significantly increase the scale or bulk of the building.
  - [4] *Identity, Historical Character:* The existing building was constructed in 1989 and has been used as an automobile dealership since construction. The Maine Historic Preservation commission notes no effect on historic properties.
  - [5] *Disposition and Orientation:* The proposed addition will extend toward Shuman Avenue, increasing the building frontage facing Western Avenue.
  - [6] *Visual Integrity:* The mass of the building will remain relatively unchanged. The addition will match the construction of the existing building.
- b) *Privacy:* No change proposed.
  - c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
  - d) *Property Values:* The proposal will not have a detrimental effect on the value of adjacent properties.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.



*Charlie's Nissan building from Shuman Avenue near Western Avenue Intersection.*

### **Plans and Policies (Section 300-603.E(2) of the LUO)**

The proposal is in accordance with the adopted elements of the 1988 Growth Management Plan and 2007 Comprehensive Plan.

Staff recommends that the Board finds the proposal is in accordance with the 1988 Growth Management Plan.

**Traffic Pattern, Flow and Volume (Section 300-603.E(3) of the LUO)**

- a) *Additional Traffic:* The amount of increased traffic, due to 10 additional employees, is not anticipated to cause concerns.
- b) *Safe Access:* No change.
- c) *Emergency:* The proposal provides access for emergency services.
- d) *Movement/Parking:* The location of the addition will have no impact on vehicular circulation or parking.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Public Facilities.



**Public Facilities (Section 300-603.E(4) of the LUO)**

- a) *Water Supply:* The site has public water and no additional plumbing fixtures are proposed.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The site has public sewer and no additional plumbing fixtures are proposed. Stormwater will be handled through existing systems.
- c) *Electricity/Telephone:* The site has electric power.
- d) *Storm Drainage:* The drainage systems will remain unchanged.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Public Facilities.

**Resource Protection and Environment (Section 300-603.E(5) of the LUO)**

- a) *Sensitive Areas*: No site changes are proposed. No sensitive areas will be impacted.
- b) *Air Quality*: The proposal complies with air quality standards.
- c) *Water Quality*: The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste*: The site has public sewer. Any automobile service wastes are handled in other parts of the building.
- e) *Shoreland/Wetland Districts*: The proposal is not in the Shoreland Zone. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Resource Protection and Environment.



*The proposed addition will be to the right of the existing building, extending to the retaining wall.*

**Performance Standards (Section 300-603.E(6) of the LUO)**

- a) *Performance and Dimensional Standards*: The proposal complies with all performance and dimensional standards.
- b) *Noise*: Noise is not expected to be an issue.
- c) *Glare/Heat*: No excessive heat or glare is proposed.
- d) *Exterior Lighting*: One additional wall mounted, full-cutoff light fixture is proposed on the north side of the proposed addition. The proposal complies with standards.
- e) *Screening*: No change proposed.
- f) *Signs*: No new signage is proposed.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Performance Standards.

**Financial and Technical Ability (Section 300-603.E(7) of the LUO)**

The applicant has the financial and technical ability to meet the terms of the ordinance.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

**Pollution (Section 300-404.B(1) of the LUO)**

- a) *Floodplain:* The project is not in the 100 year floodplain.
- b) *Ability of Soils to support waste disposal:* Sewage will be disposed of in the public system.
- c) *Slopes effect on effluents:* Sewage will be disposed of in the public system.
- d) *Streams for disposal of effluents:* No streams are in the vicinity.
- e) *Applicable health and water resources rules:* The proposal complies with water quality standards.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding pollution.

**Sufficient Water (Section 300-404.B(2) of the LUO)**

The site is served by public water.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sufficient water.

**Municipal Water Supply (Section 300-404.B(3) of the LUO)**

See above.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding municipal water supply.

**Soil Erosion (Section 300-404.B(4) of the LUO)**

Erosion measures will be used during construction. Existing drainage ditches will be used for additional stormwater runoff from the building addition.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding soil erosion.

**Highway or Public Road Congestion (Section 300-404.B(5) of the LUO)**

No significant change in traffic volume is proposed.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding highway or public road congestion.

**Sewage Waste and Municipal Solid Waste Disposal (Sections 300-404.B(6) and 300-404.B(7) of the LUO)**

Sewage will be disposed of in the public system. Solid waste will continued to be hauled by Worthing's Wastes Systems.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding sewage waste and municipal solid waste disposal.

**Aesthetic, Cultural, and Natural Values (Section 300-404.B(8) of the LUO)**

No undue adverse effect on aesthetic, cultural or natural values is expected.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Aesthetic, Cultural and Natural Values.

**Conformity with City Ordinances and Plans (Section 300-404.B(9) of the LUO)**

The proposal conforms with city ordinances and plans, except as noted in other sections of this review.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding city ordinances and plans.

**Financial and Technical Ability (Section 300-404.B(10) of the LUO)**

See the Financial and Technical Ability section above.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding financial and technical ability.

**Surface Waters; Outstanding River Segments (Section 300-404.B(11) of the LUO)**

This proposal is not in proximity to any surface waters or outstanding river segments.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding surface waters; outstanding river segments.

**Ground Water (Section 300-404.B(12) of the LUO)**

The proposal is not expected to adversely affect ground water.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding ground water.

**Flood Areas (Section 300-404.B(13) of the LUO)**

The proposal is not in the 100 year floodplain.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding flood areas.

**Freshwater Wetlands (Section 300-404.B(14) of the LUO)**

See comments in the Public Facilities section above.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding freshwater wetlands.

**River, Stream, or Brook (Section 300-404.B(15) of the LUO)**

There is no river stream or brook on or immediately adjacent to the project site.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding rivers, streams, or brooks.

**Stormwater (Section 300-404.B(16) of the LUO)**

See the Public Facilities section.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding stormwater.

**Access to Direct Sunlight (Section 300-404.B(17) of the LUO)**

The proposal will not block access to direct sunlight to any structures utilizing solar energy.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding direct sunlight.

**Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 300-404.B(18) of the LUO)**

The project is regulated by the Site Location of Development Act and complies with regulations.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Title 38 M.R.S.A/ Section 484, Chapters 371 and 373-377.

**Spaghetti-Lots Prohibited (Section 300-404.B(19) of the LUO)**

A subdivision is not proposed. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding spaghetti-lots.

**Outdoor Lighting (Section 300-404.B(20) of the LUO)**

See the Performance Standards section.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding outdoor lighting.