

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

**J & R Associates, LLC
Minor 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 J & R 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:** The request is for a final plan review of Minor Subdivision as per Section 4.6. The applicant proposes to convert a commercial use into three apartments.
2. **Owner:** J & R Associates, LLC
3. **Applicant:** J & R Associates, LLC
4. **Location:** 190 Water Street
5. **Zoning:** Kennebec Business District 1 (KBD1)
6. **Tax Map Number:** Map 34, Lot 66
7. **Existing Land Use:** Commercial
8. **Proposed Land Use:** Commercial, Residential
9. **Acreage:** 0.10 acres
10. On December 13, 2013, the applicant submitted the following:
 - a. Subdivision Review form
 - b. Agent authorization letter
 - c. Deed
 - d. Narrative
 - e. Recording plats
11. On December 19, 2013, the applicant submitted a Narrative Addendum.
12. On December 24, 2013, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
13. On December 28, 2013 and January 4, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.

14. On January 14, 2014, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Items 10 and 11 above, the staff review dated January 8, 2014, and considered testimony by the applicant and interested members of the public. -- individuals testified at the public hearing and -- 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.

4.4.1 Criteria for Reviewing the Preapplication

4.4.1.1 Pollution. The proposal will not result in undue water or air pollution.

4.4.1.2 Sufficient Water. There is sufficient water available to meet the needs of the proposal.

4.4.1.3 Municipal water supply. The proposal will not cause an unreasonable burden on the municipal water supply.

4.4.1.4 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.

4.4.1.5 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 provision for traffic movement of all types.

4.4.1.6 Sewage waste disposal. The proposal will provide adequate sewage waste disposal.

4.4.1.7 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.

4.4.1.8 Aesthetic, cultural and natural values. The proposal will not have an undue adverse effect on aesthetic, cultural or natural values.

4.4.1.9 Conformity with city ordinances and plans. The proposal complies with the 2007 Comprehensive Plan and the Land Use Ordinance.

4.4.1.10 Financial capacity and technical ability. The applicant has adequate financial and technical ability to meet the terms of the ordinance.

4.4.1.11 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 2-B.

4.4.1.12 Ground water. The proposal will not adversely affect the quality or quantity of ground water.

4.4.1.13 Flood areas. The proposal is not in a flood-prone area.

4.4.1.14 Freshwater wetlands. There are no freshwater wetlands on the subject parcel. Not applicable.

4.4.1.15 River, stream or brook. There is no river, stream, or brook within or abutting the subject parcel. Not applicable.

4.4.1.16 Stormwater. The proposal will provide for adequate stormwater management.

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

4.4.1.18 Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377. The proposal is not regulated by this statute. Not applicable.

4.4.1.19 Spaghetti lots. The lot does not have shore frontage. Not applicable.

4.4.1.20 Outdoor lighting. No outdoor lighting is proposed. Not applicable.

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.* No change is proposed to the access.
- c. The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- d. The existing building occupies most of the lot. Parking is off-site. The proposal 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. 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.

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. *Exterior lighting.* No exterior lighting is proposed. Not applicable.
- e. *Landscaping.* No landscaping is required.
- f. *Signs.* No signs are proposed.

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 the application of J & R Associates, LLC to convert a commercial use into three apartments as described in the findings above.

Corey A. Vose, Planning Board Chair

Date