

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

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**Paul Blouin**  
**Minor 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 Paul Blouin, 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 Minor Development Review as per Section 4.5. The applicant proposes to construct a 2,784 square foot addition.
2. **Owner:** Paul Blouin (Lot 18, 20), Precision Motors, Inc. (Lot 19)
3. **Applicant:** Paul Blouin
4. **Location:** 3 Woodside Road, 513 Western Avenue
5. **Zoning:**  
Lot 18: Contract Zone Regional Business District (CC) two uses allowed as permitted uses: "automobile business" and "one and two family dwellings"  
Lot 19: Contract Zone Regional Business District (CC) three uses allowed as permitted uses: "auto repair/service", "automobile business" and "one and two family dwellings"  
Lot 20: Regional Business District (CC)
6. **Tax Map Number:** Map 85, Lot 18, 19 and 20
7. **Existing Land Use:** Automobile business, automobile repair/service, one family dwelling
8. **Proposed Land Use:** Automobile business, automobile repair/service, one family dwelling
9. **Acreage:** 2.97 acres total
10. On April 15, 2014, the applicant submitted the following:
  - a. Development Review application form
  - b. Deeds
  - c. Agent authorization letter
  - d. Narrative

- e. Letters
  - f. Plan set
11. On April 18, 2014, the applicant submitted:
    - a. Deeds
    - b. Survey
    - c. Stormwater report
  12. On May 24, 2014 and May 31, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
  13. On May 30, 2014, the applicant submitted:
    - a. Maine DEP minor revised application
    - b. Site capacity analysis
  14. On May 23, 2014, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
  15. On June 10, 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, 11, and 13 above, the staff review dated June 4, 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. In order to comply with this standard in regards to the Land Use Ordinance, further action is required by the applicant as specified in the Conditions of Approval 2 and 4.

4.4.1.10 Financial capacity and technical ability. In order to comply with this standard in regards to financial capacity, further action is required by the applicant as specified in Condition of Approval 4. The applicant has adequate 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. All freshwater wetlands on the subject parcel(s) have been identified on maps submitted.

4.4.1.15 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.

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 project is not regulated by the Site Location of Development Law. Not applicable.

4.4.1.19 Spaghetti lots. Not applicable.

4.4.1.20 Outdoor lighting. All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the parcel(s).

### **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. *Entrance and parking*. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 2.

#### 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. 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. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 4.

THEREFORE, the Planning Board hereby approves, with the following conditions, the application of Paul Blouin to construct a 2,784 square foot addition 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. Revise the site plan as follows: The general site information box, item 2, needs to be changed to Regional Business District (CC) Contract Zone. On the drawing, there is zoning information on the large building. The PD Zone should be removed and replaced with Regional Business District (CC) Contract Zone.
2. Revise the site plan to add an “entrance only” sign at the new entrance.
3. The three lots (Tax Map 85, Lot 18, 19, and 20) need to be combined into one lot of common ownership or there need to be cross easements regarding access, parking and utilities. To demonstrate that this has been accomplished, submit a deed and revise the site plan to show the lots as one lot.
4. Provide evidence that the applicant has sufficient financial capacity for the project.

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.

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Corey A. Vose, Planning Board Chair

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Date