

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

**Kevin and Jessica Dostie
Mineral Extraction License
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 Kevin and Jessica Dostie, 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:** Kevin & Jessica Dostie
2. **Applicant:** Kevin & Jessica Dostie
3. **Location:** Mt. Vernon Road
4. **Zoning:** Rural River (RR) District
5. **Tax Map Number:** Map 5, Lot 184 & 184A
6. **Existing Land Use:** Mineral extraction activity
7. **Proposed Land Use:** Mineral extraction activity
8. **Acreage:** 36 acres
9. On April 17, 2015, the applicant submitted the following:
 - a. Notice of Intent to Apply for License
 - b. Deed
 - c. Sketch Plan
 - d. Reclamation plan
10. On May 9, 2015 and May 16, 2015, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
11. On May 7, 2015, City staff mailed notices to the owners of properties located within 1,000 feet of the property regarding the public hearing regarding the application.
12. On May 26, 2015, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Item 9 above, the staff review dated May 20, 2015, 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 license 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.

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. *Architectural design.* No building is proposed. Not applicable.
 - iii. *Scale, bulk, and building height.* No building is proposed. Not applicable.
 - iv. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
 - v. *Disposition and orientation of the buildings.* No building is proposed. Not applicable.
 - 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. 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.

6.3.4.4 Public Facilities

- a. *Public water.* No water supply is proposed. Not applicable.
- b. *Sewer.* No waste water is proposed. Not applicable.
- c. *Electric and telephone utilities.* No electricity or telephone utilities are planned for the project. Not applicable.
- d. *Stormwater.* The pit is internally drained. Not applicable.

6.3.4.5 Resource Protection and the Environment

- a. There is a freshwater wetland on the site which is access road will cross. The design is acceptable to the City Engineer.
- 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.* No sewage or industrial wastes are proposed. Not applicable.
- 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.
- 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. *Signs.* No signs are proposed. Not applicable.

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.

Mineral Extraction Ordinance

Section 6-76(b) Performance standards

(1) Erosion, sedimentation control & stormwater management

- a. The proposal complies with this standard.

(2) Reclamation / reclamation plan required

- a. The proposal complies with this standard.
- (3) Petroleum usage
 - a. The proposal complies with this standard.
- (4) Buffers, bufferyards, and setbacks
 - a. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 2.
- (5) Pit haul road design, circulation and traffic
 - a. In order to comply with this standard, further action is required by the applicant as specified in Condition of Approval 1.
- (6) Ground water impacts
 - a. The proposal complies with this standard.
- (7) Noise
 - a. The proposal complies with this standard.
- (8) Blasting requirements
 - a. No blasting is required. Not applicable.
- (9) Hours and duration of operations
 - a. The proposal complies with this standard.
- (10) Dust
 - a. The proposal complies with this standard.
- (11) Solid waste
 - a. The proposal complies with this standard.
- (12) Stockpiles
 - a. The proposal complies with this standard.
- (13) Clear cutting
 - a. The proposal complies with this standard.
- (14) Existing nonconforming buffers and setbacks
 - a. The proposal complies with this standard.

THEREFORE, the Planning Board hereby approves, with the following conditions, the application of Kevin and Jessica Dostie for a mineral extraction license as described in the findings above.

Conditions of Approval

The following conditions shall be met prior to the Signature of Approval on the Sketch Plan. The license shall not 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 slope of the access road to the City Engineer's satisfaction.
2. Submit the agreements between the applicant and McGee Properties, LLC and the abutter to the west which indicate a zero (0) foot property line setback is acceptable.

This Conditional Approval shall expire within eighteen (18) months of the date of approval by the Planning Board, if the conditions have not been met.

Term of License

This Approval shall expire within five (5) years of the date of original approval by the Planning Board (May 26, 2015), unless an application for Mineral Extraction License Renewal is filed with the city at least thirty (30) days prior to the license expiration.

Corey A. Vose, Planning Board Chair

Date