

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Request to Amend the Future Land Use Designation at 113 Woodbury Road.

Date: December 4, 2014

- I. PROPOSAL- The Planning Board voted unanimously at its November 18th meeting to initiate an amendment to the 2010 Comprehensive Plan Future Land Use Map for property located at 113 Woodbury Road (PID # 110-009). The property currently has a future land designation of Agricultural/Rural, while conversely, the entire property is zoned Low Density Rural Residential. This property was recently purchased with the intent of developing the property as its zoning would allow with 1 acre minimum lot size. The property owner had planned on submitting a subdivision plan to the Planning Board for review and approval but found out that part of the criteria for approval by the Planning Board would include a finding that the development proposal was in compliance with the Comprehensive Plan's Future Land Use Plan.

CURRENT SITUATION: The property at 113 Woodbury Road is currently zoned Low Density Rural Residential (**Attachment 1**). The 2010 Comprehensive Plan Future Land Use Map recommends Agriculture/Rural (**Attachment 2**), which is not compatible to the development proposal that the Low Density Rural Residential Zoning would allow and the owner desires. There is an incompatible situation between the current zoning and the future land use for this property.

STAFF RESEARCH- The Staff looked back at the record of the 2010 Comprehensive Plan process for evidence of how this zoning and future land use discrepancy occurred. At the May 21, 2009 Comprehensive Plan Committee meeting, the Danville/South Auburn area was discussed. **Attachment 3** shows a map of Land Use in the area. As you can see the property at 113 Woodbury Road is designated Rural Residential and Manufactured Housing. **Attachment 4** is a map of natural resources in the area. There are no significant natural features shown on the property in question.

Attachment 5 is a May 12, 2009 memo addressed to the Comprehensive Plan Committee from lead consultant Mark Eyeran, which goes into detail describing areas to be "*reserved* for future development, *preserved* and/or maintained and areas to be

changed for new development”. This memo does not describe or relate 113 Woodbury Road to any of these categories. **Attachment 6** is an email correspondence with Mr. Eyerman, who provided his recollection of the discussion in that area. He mentions:

1. No specific discussion of 113 Woodbury Road.
2. The Committee’s discussion of Rural Residential Strips.
3. The availability of adequate public service (this case specifically an unimproved road).
4. Agricultural activity.
5. Fire protection.

In addition to the staff search of minutes and mapping from the 2010 Comprehensive Plan Process, former Chairman of the Comp Plan Committee, Richard Whiting, was interviewed regarding this property. He did not recall a property owner in particular advocating for this property and mentioned there was extensive discussion about Rural Residential Road Strips. (See **Attachment 7**) This excerpt from the 2010 Comprehensive Plan provides 6 Considerations when evaluating an area to have a Rural Residential Road designation. In particular, Consideration # 5 describes avoiding residential strips for land with unimproved or dirt road frontage.

II. DEPARTMENT REVIEW-

- a. Police- No Comment
- b. Auburn Water and Sewer- No Comment
- c. Fire Department- No Comment
- d. Engineering- No Comment

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider making a recommendation to the City Council regarding the Future Land Use Designation as found in the 2010 Comprehensive Plan for the property located at 113 Woodbury Road (PID# 110-009).

IV. STAFF RECOMMENDATION- Based on the current situation, staff research on the record of the 2010 Comprehensive Plan’s meeting minutes and mapping and interviews with notable participants of the 2010 Comprehensive Plan Process, the Staff recommends **APPROVAL** of changing the Future Land Use Designation for the property located at 113 Woodbury Road (PID # 110-009) from Agricultural/Rural to Low Density Residential with the following findings:

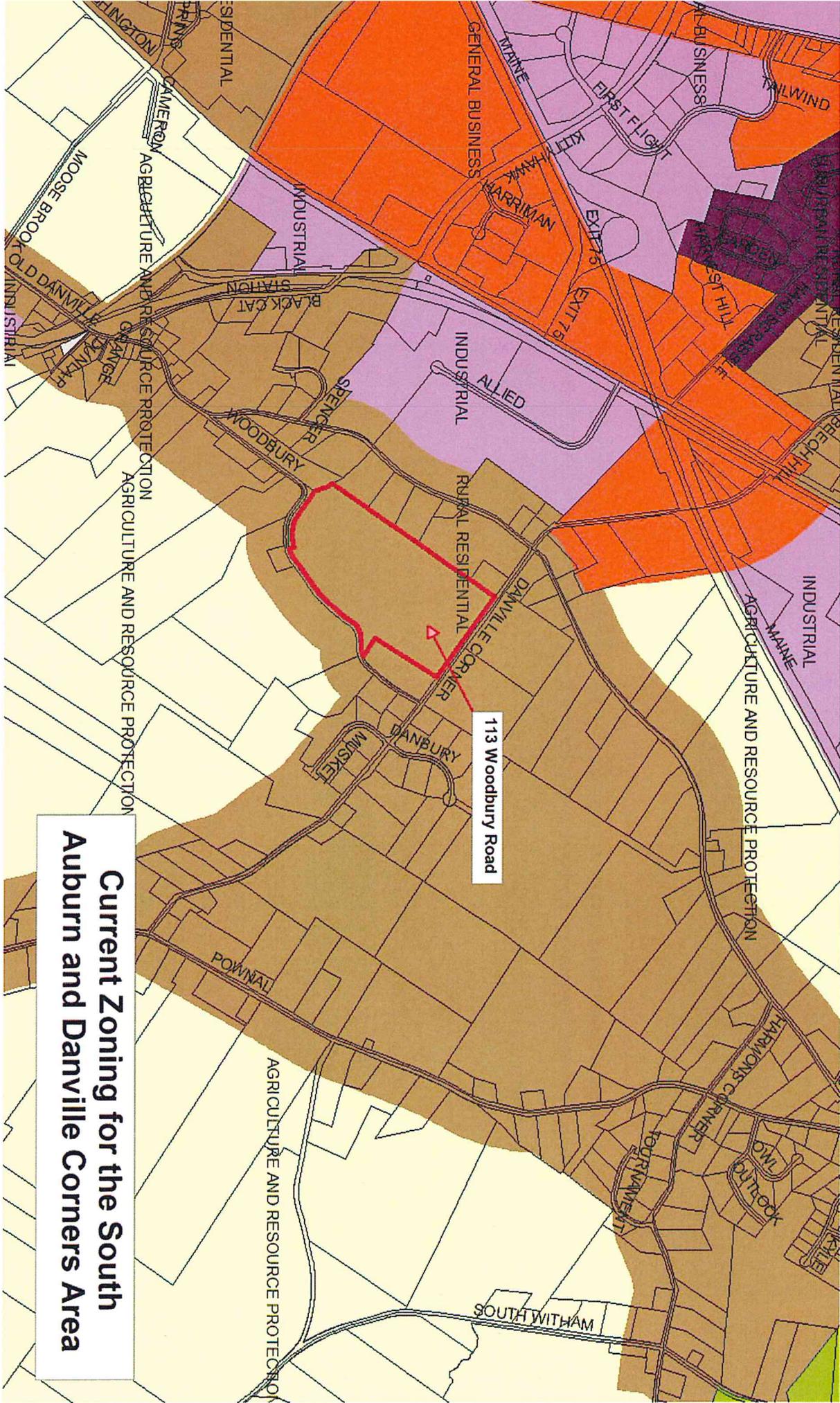
1. The 2010 Future Land Use of Agricultural/Rural for the property is inconsistent with the current zoning of Low Density Rural Residential.

2. The 2010 Comprehensive Plan's working minutes, mapping and interviews from the lead consultant and chairman of the Comprehensive Plan Committee provide a record that show the property at 113 Woodbury Road:
 - a. Was designated as Rural Residential and Manufactured Housing on working maps for this area.
 - b. Was not indicated as having significant natural resources to protect.
 - c. No specific request was made on 113 Woodbury Road to have its future land use designated Agricultural/Rural.

3. The property at 113 Woodbury Road has 1,100 feet of improved road frontage along Danville Corner Road, and meets the criteria for Rural Residential Road Strips as discussed during the 2010 Comprehensive Plan meetings and on pages 70 and 71 of the 2010 Comprehensive Plan.

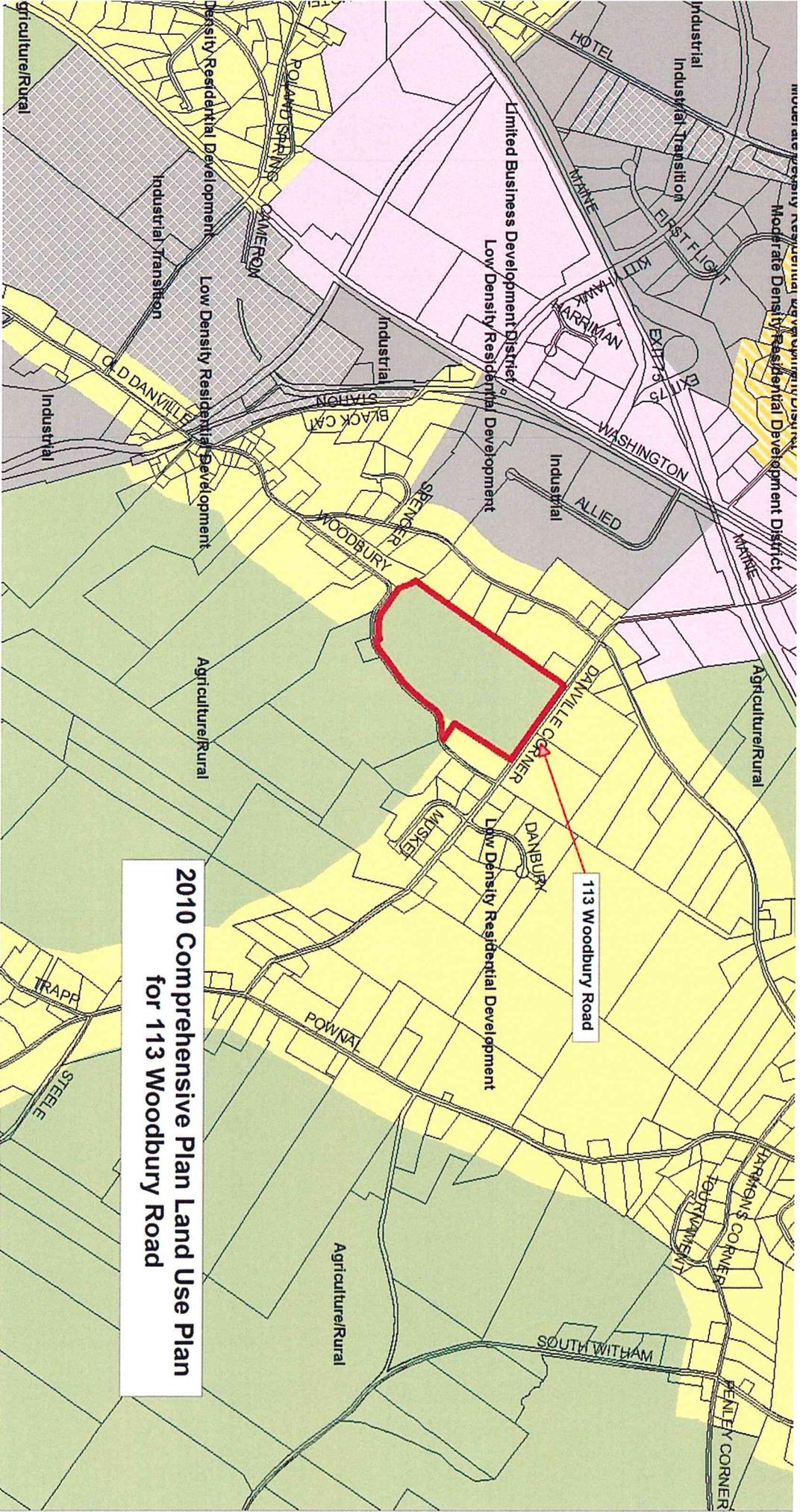


Douglas M. Greene, A.I.C.P., R.L.A.
City Planner



Current Zoning for the South Auburn and Danville Corners Area

113 Woodbury Road

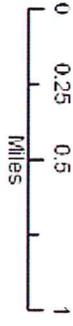


**2010 Comprehensive Plan Land Use Plan
for 113 Woodbury Road**

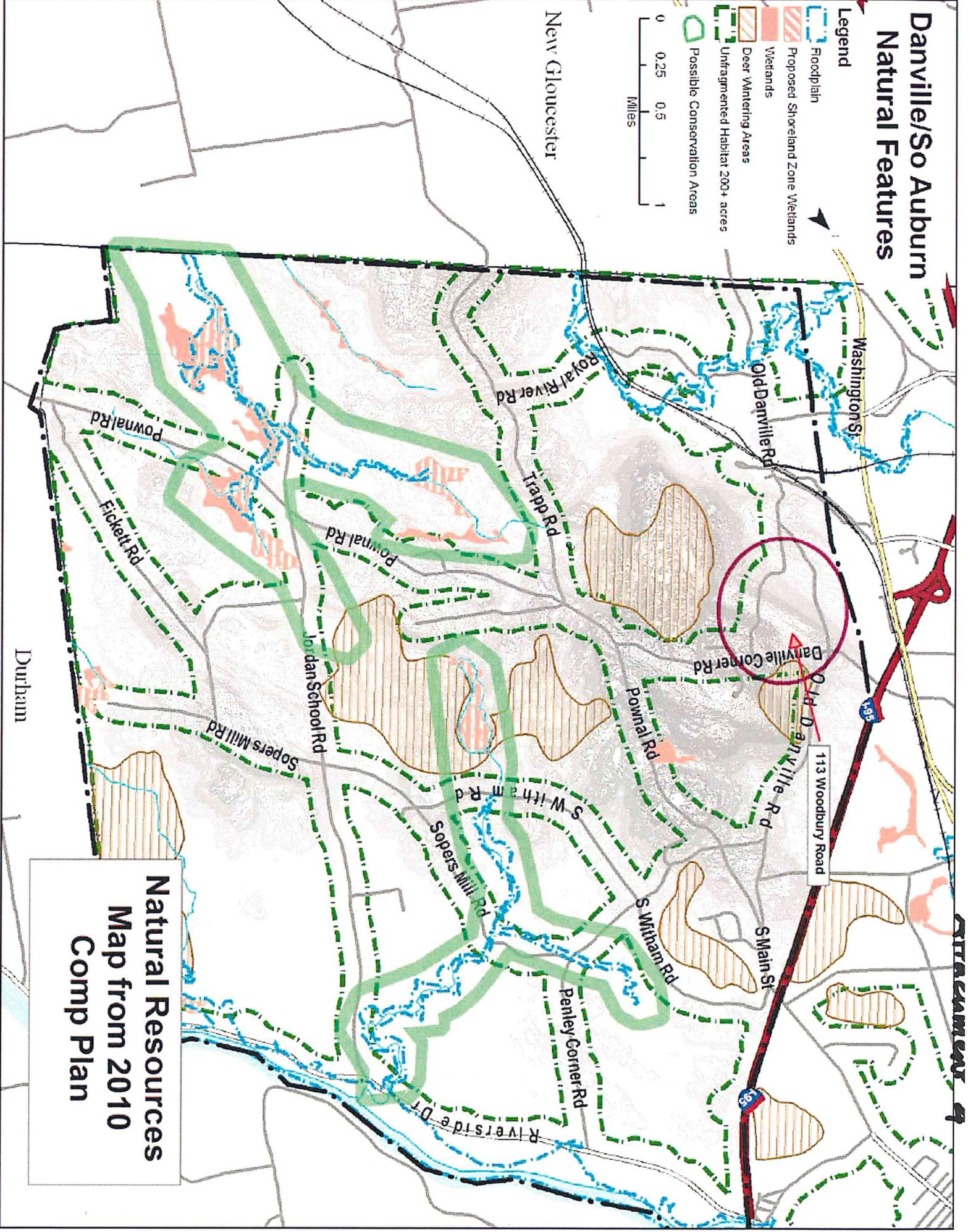
Danville/So Auburn Natural Features

Legend

-  Floodplain
-  Proposed Shoreland Zone Wetlands
-  Wetlands
-  Deer Wintering Areas
-  Unfragmented Habitat 200+ acres
-  Possible Conservation Areas



New Gloucester



**Natural Resources
Map from 2010
Comp Plan**

May 12, 2009

To: Auburn Comprehensive Plan Committee

From: Mark Eyerman & Antje Kablitz

RE: Danville/South Auburn

At the May 21 meeting, the committee will address Danville/South Auburn. We will review current and future land use and transportation patterns and define area objectives and policies.

To help facilitate this discussion Mark and I have outlined a series of questions for the committee to review and think about ahead of the meeting. These questions are designed to help develop objectives for the Danville/South Auburn area to define the future development pattern and character given the current and future needs.

After establishing the area objectives, the committee will define policies the City will use to reach the objectives. Mark and I propose that the policy development focus on identifying the general types of uses that are appropriate, the general density/intensity of use that is desired, and the key development standards that should be established to reach the objectives.

Mark and I will use the objectives and policy decisions to develop a draft future land use description for Danville/South Auburn development and present them to the committee at a subsequent meeting.

Danville/ South Auburn include all land south of the turnpike and cover nearly 19 square miles. Historically the area was farm and forest land with Danville Village serving as the community center. Today, the majority remains rural in nature with residential development primarily near the turnpike and along existing roads.

The following outlines the current transportation and land use pattern in Danville/South Auburn and outlines some of the possible changes for the committee to consider when addressing development potential in the area.

Transportation

Riverside Drive is a major collector that connects Auburn to points south including Durham, Freeport, and Brunswick. This commuter corridor supports upwards of 5,000 average daily trips.

The committee has discussed maintaining collector roads as designated traffic connectors and promoting access management to ensure that the roadway can continue to maintain high volumes of traffic safely and efficiently.

The Maine Turnpike Authority in conjunction with the City is currently looking at the possibility of establishing a new turnpike interchange at Riverside Drive. (A memo outlining the interchange project is on page 9.) While this project is still in its preliminary stages and no location has been officially announced, the potential of such a development in South Auburn will have a significant impact on future development.

If the turnpike interchange is developed, there will be increased traffic on Riverside Drive and the areas may see additional growth pressures because of it. This project could significantly alter the character of Riverside Drive opening it up for more intense non-residential development that would benefit from the proximity to a turnpike interchange.

The committee may want to address the potential redevelopment of Riverside Drive and look to establish development standards such as limited access and buffering to protect existing and future development from the potential increase in traffic.

Residential Development

The majority of residential development is within the existing Rural Residential Zone that reaches from South Main Street to Danville Corner Road. Between 2000 and 2007,

three new subdivisions – Danbury Knoll, Eagle Ridge, and Spencer Drive were approved. Private well and septic systems serve all residential development in the area as no public serves extend beyond the turnpike into this area.

Additional residential development exists primarily along the residentially zoned strips abutting Riverside Drive and portions of Danville Corner/Pownal Road, and Trapp Road.

The committee has previously discussed the merits of allowing for additional residential development in rural areas and will be looking at where additional residential development may be appropriate based on the residential strip criteria under development.

Agricultural/ Recreational Uses

There are a number of active farms and agriculture related businesses in the area, primarily along Riverside Drive. These are small family-owned operations that include livestock and equestrian facilities and crop farms. Forestlands along the Pownal line take part in the State Tree Growth tax program.

The CPC has expressed a desire to maintain the active agricultural businesses in the area and to support their continued growth and development.

Recreational uses include the Fox Ridge Golf Course off South Witham Road. During the committee's discussions of recreation policies, the City expressed a desire to establish a regional recreational facility to be located in South Auburn in particular if a new turnpike interchange were developed on Riverside Drive. This type of development fits in with the committee's current Agricultural District definition which would allow for the development of additional commercial recreational facilities.

Natural Resources

Within Danville/South Auburn there are numerous areas of natural significance including streams/brooks, wetlands, deer wintering yards, and unfragmented habitats and corridors. The areas around the waterways including the undeveloped floodplains and wetlands over 10 acres have been identified by the state as possible resource protection areas based on the new state shoreland zoning requirements. The City is in the process of reviewing the state identified areas and will establish a new resource protection district to meet the state mandated requirements for protecting these sites.

The committee has identified other areas of significance such as deer wintering areas and unfragmented habitat. These areas are not only critical habitat for animals but also popular recreation areas for hunting and hiking. The committee is committed to preserving the sites as a way of preserving the rural/open space character of the community.

Objective

Consider the following questions as you review the information on Danville/South Auburn and begin to define the future character/pattern of development. As part of the establishment of the Future Land Use Plan the committee needs to define how and where development will take place in the community. In Danville/South Auburn the committee should look at the future from three perspective – what areas should be *reserved* for future development consideration (land banked), what should be *preserved* and/or maintained as it is today, and what areas should be *changed* to allow for new/expanded uses.

The following series of questions begin to address these concepts and culminated in a draft objective for the committee to consider.

Are there areas that should be considered “reserved” for future use/development?

This question focuses on the traditional role of the AG Zone as a land bank that acts as a reserve for future development. Areas such as Riverside Drive are prime examples of sites where significant changes may occur that could alter the character of the road and the land surrounding it. Maintaining this land within an Agricultural District will allow for flexibility to rezone the area to meet the demands of a possible turnpike interchange.

The land between the turnpike, Soper Mill Brook, and South Witham Road would most likely see changes in use as it would become “prime” commercial real estate due to its proximity to an interchange. The area south of Soper Brook may see some increased traffic and additional development potential, however the pattern of development may not be as intense.

Maintaining the roadway itself as rural residential area with large frontage requirements and setbacks as well as provisions to buffer homes from the road and preserve the rural viewshed will help to protect the residences for the possible increases in traffic.

Are there areas that should be permanent conservation areas – areas that have significant natural resources or open space value that should be preserved?

The committee has decided to establish a Resource Protection District that will incorporate and permanently preserve all State defined significant natural resources. This includes undeveloped floodplains, wading bird and waterfowl habitat, and significant wetlands.

Additional areas the committee has looked at preserving include deer wintering areas, large unfragmented blocks, and wildlife corridors.

In the natural resource policies section, the committee established a desire for the city to preserve deer wintering yards beginning with those located on city-owned land (Strategy A.9.1.g).

As part of a “future land use placeholder” (Strategy A.9.1.b) the committee agreed to return to the topic of unfragmented habitat and wildlife corridor preservation to identify areas that should remain within an Agriculture District as a means of maintaining these open space and habitat connections. As the committee has discussed previously, there are areas of significant unfragmented habitat within Danville/South Auburn particularly along the New Gloucester line and the land farm land abutting Riverside Drive. These unfragmented areas are larger than 200 acres and serve as habitat for large animals. Preserving the interior of these areas as natural open space would provide for long-term habitat protection and retain the rural feel of the area.

Are there areas that should be included in the rural residential designation (not including residential strips)?

The current rural residential district extends along the turnpike from South Main Street to just about the New Gloucester line. Within this area, there are some pockets of agriculturally zoned land that may be suited for residential development. Three particular areas come to mind.

One is the strip of agriculturally zoned land along the turnpike. Once was a farm, this site is now primarily residential with the southern parcel being used as a DOT staging area. Part of the area may be well suited for residential designation as it sits within the established residential area and is close to the urban area. However, some natural constraints (steep slopes) development would limit where development could occur.

Another is the stretch of Old Danville Road from Danville Junction to the New Gloucester line. This area abuts existing residential development and may be an appropriate place for additional development providing an extension of the Danville community and enhance the rural village feel.

The third is the portion of South Witham Road abutting the Fox Ridge golf course. The committee has discussed the possibility of allowing limited residential development as part of an established recreational use. As such, this area may be appropriate for an extension of the rural residential housing. Much like the turnpike land, the proximity to existing development and the urban core make this area a reasonable place for growth that meets the city and state goals for limiting sprawl.

Are there areas that should be included/removed from the rural residential strip designation?

In addressing the role of development in the rural areas, the committee has discussed the merits of establishing residential strips along existing roads. These strips currently exist along Trapp Road, Pownal Road, and Riverside Drive. Taking into account the residential strip criteria voted on in the April meeting, do the current strips meet the test for development and/or are there other areas where such development may be feasible?

In setting the policies/strategies to meet the needs of the objectives outlined above the committee needs to define what types of uses are appropriate, the intensity of the use, and the key standards for development.

Consider the following questions as you review the information on Danville/South Auburn.

What standards should be used when looking at the type and scale of residential development in the designated residential district?

The committee outlined as part of the natural resource policy discussion a desire for rural residential development that protects natural resources and preserves the rural character. The committee identified two concepts for consideration – conservation subdivisions and low impact development standards.

Conservation subdivisions are major residential developments in which a significant portion of the site is set aside as common open space and permanently protected. The standards for this type of development allow for small clustered lots where the remainder of the land is permanently held as open space. In a typical town model the number of units allowed is based on the total net residential land, including that set aside as open space. As a result, the same number of units can be built as on a traditional subdivision only at a higher density with the remainder of the land preserved in perpetuity.

The open space is maintained through a stewardship requirement either tied to the homeowners or a conservation easement owned by the City or a land trust. Homeowner based conservation typically required owners to pay into a stewardship fund to cover the cost of long term maintenance and preservation of the communal open space lands. The purchaser, the city or a land trust, would be charged with maintaining a conservation easements.

The benefits of this type of development include reduced road costs (less road length required to serve the houses), reduced utility development costs, and permanent preservation of open space. This type of development, however, only looks at large development and does not address the impact of lot by lot single family development.

Low impact development (LID) standards are designed to mitigate the impact of impervious surfaces on natural resources, in particular water quality. The standards can apply to any project from a single lot development to subdivisions. The standards limit the amount of impervious surface (driveways, building footprints) and vegetative clearing allowed on a lot as a means of controlling the amount of stormwater runoff. Currently these standards are part of the Phosphorous Control Ordinance, which protects the Taylor Pond and Lake Auburn Watershed. Similar controls could be established in Danville/South Auburn as a means of curbing runoff and protecting area streams and rivers.

Along Riverside Drive – does the committee support limiting access and preserving the corridor as a primary travel route?

With the possible development of a turnpike interchange, the committee should be proactive in trying to protect the function of Riverside Drive as a collector while also limiting the impact additional traffic would have on the existing residential development. Establishing standards such as limited access (ample frontage standards, limited curb cuts, and/or limited ancillary road development) will ensure that traffic can continue to move efficiently through the area. Encouraging setbacks and buffering standards will ensure that the rural look and feel of the roadway is maintained and establish a gateway into the City.

Possible Danville/South Auburn Objective: *Maintain the rural character by promoting development criteria that protect the area’s agricultural uses, open space, and natural resources. Use the comprehensive plan committee established criteria when determining where new residential development occurs and ensure that the character and intensity of use reflects the rural pattern and allows enough lot and house placement flexibility to preserve agricultural land and rural viewsheds. Along Riverside Drive, encourage limited access to maintain the commuter corridor and prepare for the possible development of a new turnpike interchange.*

Turnpike Interchange Proposal Memo

Auburn and Lewiston are pursuing a Joint Downtown Connector/Turnpike Interchange Project to provide efficient access between the turnpike and the two downtowns in an effort to encourage economic development and revitalize area businesses.

The Cities, working in conjunction with the Maine Turnpike Authority (MTA), the Maine Department of Transportation (MaineDOT), and the Androscoggin Transportation Resource Center (ATRC), have been studying the possibility of a new turnpike interchange for more than two decades. During the Governor King administration, the State and MTA promised to fund turnpike improvements to improve access to the downtowns and the MTA has earmarked \$15 million dollars to develop the project.

The first phase of project, a feasibility study completed in 2005, identified five scenarios for the new turnpike interchange based on the recommendations of the Study Advisory Committee (SAC)¹ with input and guidance made from the public, MTA, MaineDOT, and ATRC.

Following an evaluation of transportation, land use, socio-economic factors, natural environment and cost, the SAC recommended three scenarios for future study:

- Scenario 1: A full interchange in Lewiston on River Road,
- Scenario 2: A full interchange on Route 136 in New Auburn, and
- Scenario 3: A partial interchange in Lewiston (southbound at River Road) along with a full interchange on Route 136.

Each scenario included an Androscoggin bridge option to alleviate traffic pressures on the South Bridge.

With the completion of the feasibility study, the MTA has initiated the second phase of the process and is currently re-assessing the three scenarios to identify the Least Environmentally Damaging Practicable Alternative (LEDPA).

The study appears to preliminarily recommend a full interchange at Route 136 but the study has yet to be formally released. What is certain is that the development of a new interchange project is still 10-15 years in the future.

¹ The SAC includes Auburn and Lewiston residents, municipal staff, and local business owners

Doug Greene

From: Mark Eyerman [meyerman@planningdecisions.com]
Sent: Wednesday, December 03, 2014 1:21 PM
To: Doug Greene
Subject: Re: Future Land Use at 113 Woodbury Road

Doug:

Here is what I can tell you:

1. I looked at the material you sent and Google Earth and I don't recall at this point any particular discussion about this specific parcel or area but there probably was. The committee spent a lot of time on this issue.
2. During the Committee's discussion of outlying areas of the City, there were contrasting points of view among the committee members on how to treat "rural" areas and the roadside development strips. The committee spent a great deal of time wrestling with this issue and developed a set of criteria that are included in the plan for determining what land should be designated for rural residential development along road corridors. You should look at those criteria - I think they are on pages 70-71 of the document or are right around there in the Other Land Use Policies section.
3. A major consideration in designating land as rural/agriculture was the availability of public services especially a paved road and fire protection water supplies. An important driver in these discussions was avoiding the need for the City to make substantial investments in upgrading gravel or badly deteriorated paved roads as a result of residential development. There is some discussion of this in the public services policy section. The committee looked at the potential costs of reconstructing or paving rural roads if residential development occurred and tried to structure the land use plan to minimize that liability. That may have been a consideration with respect to the Woodbury Hill Road but I'm not sure about that.
4. There was also a sense that land that was in active use for agricultural purposes in outlying areas should be protected from development and included in the rural/ag designation. In looking at Google Earth, it appears that a portion of this land has been an open field for years - I don't know if it is/was used for agriculture but that might have played into the committee's thinking.
5. Finally, the committee had a lot of discussion about fire protection in the portion of the community outside of the area serviced by water mains and hydrants. In the end, they did not include it in the criteria for determining roadside residential strips but it was an ongoing discussion. At that time, the Fire Department expressed concern about the lack of fire protection water supplies in the outlying areas as well as response times and the implications for the department that was set up essentially as an urban department with very limited capacity to transport water like a rural department does. If I remember correctly, the ISO rating for much of this area is maybe an 8 or 9 essentially indicating that it is an unprotected area. Again, I don't know if this was a consideration for this particular area, but it was part of the thinking process to discourage large-scale residential development in areas that are not served by hydrants.

I hope this helps as you look at this situation.

Mark

Mark Eyerman, President
Planning Decisions, Inc.
477 Congress St., Suite 1005
Portland, ME 04101-3406
207.799.2226 - Fax: 207.767.6432
www.planningdecisions.com

all areas subject to shoreland zoning under state law. It establishes water body setback requirements and performance standards, and is being updated to reflect current state requirements.

3. RURAL RESIDENTIAL ROAD STRIPS

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

4. NEIGHBORHOOD BUSINESS DISTRICTS

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use.