

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas Greene, City Planner

Re: Cooper Sawmill Proposal

Date: April 8, 2014

- I. **PROPOSAL-** Kim Visbaras, Esquire, an agent for Ted Cooper, is seeking a Site Plan and Special Exception approval to construct a Sawmill at 2767 Turner Road (PID # 367-032), pursuant to Chapter 60, Sections 60-172 (b),(1); 60-1301 and 60-1336 of the City of Auburn Ordinances.

The 13.2 acre property at 2767 Turner Road is zoned Low Density County Residential (LDCR) along the road frontage and Agricultural Resource Protection in the rear. The current use is single family residential and with some accessory agriculture buildings. The applicant is proposing to construct a 6,600 square foot firewood cutting building along with a paved area for wood processing and 4 parking spaces in the LDCR portion of the property. This proposed land use is being considered as a Sawmill which is listed as Special Exceptions in the LDCR zone, and will also require a Site Plan Review as part of the approval process.

II. DEPARTMENT REVIEW-

Police Department- No comments.

Fire Department- Concerns have been raised regarding adequate supply of water for fire protection and/or suppression. The Staff will report to the Planning Board at the April 8 meeting on the status of the Fire Department's approval of the application.

Auburn Sewer and Water- The property at 2767 Turner Street is located in the Auburn Lake watershed and developments must submit a Phosphorus Control Plan. In addition, sanitary sewer is not available in this area and a septic system must address sanitary sewer needs. Adequate soils for septic fields must be a minimum of 36" deep. The Auburn Sewer and Water District responded to the applicant in a memo that is attached with this report.

Engineering Department- The project is within the Lake Auburn watershed and must comply with the City's Phosphorus Control Ordinance. The applicant has submitted a phosphorus study and erosion & sedimentation control plan to address the requirements of the ordinance. Engineering will defer to the Auburn Water District and their comments as to the sufficiency of the proposed measures.

Chapter 46 of the City of Auburn Code of Ordinances requires the developer of projects approved by the planning board to provide bonding and pay inspection fees to cover those site improvements which have public impacts. Prior to the commencement of site work, the developer must contact the Engineering Department regarding these requirements. Comments pending

Planning Department- The Planning Department has been in communication with the applicant's representatives about the following items:

- Minor corrections on the application and site plan.
- Treatment of debris, sawdust and other remnants of the firewood operation. A revised project narrative has adequately addressed this.

III. PLANNING BOARD ACTION- The Planning Board will need to take action on both a Site Plan Review and a Special Exception request

SITE PLAN- A Site Plan is required as part of a Special Exception review. The applicant met the requirements of the Site Plan Ordinance in their application. The Planning Board needs to make its decision based on the Site Plan Law,

Sec. 60-1277. Objective-

"In considering a site plan, the planning board shall make findings that the development has made provisions for:"

- (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; (Staff Comment: This project meets the provisions of Objective 1.)*
- (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; (Staff Comment: This project meets the provisions of Objective 2.)*
- (3) Adequacy of the methods of disposal for wastes; (Staff Comment: This project meets the provisions of Objective 3, subject to the approval of Auburn Sewer and Water)*
- (4) Protection of environment features on the site and in adjacent areas. (Staff Comment: This project meets the provisions of Objective 4.)*

SPECIAL EXCEPTION- A Special Exception is defined in the Zoning Ordinance as follows: *"**Special exception** means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with."* (Page 14) The area proposed for this development is located in the Low Density Country Residential zoning district, which lists "Sawmills" as a special exception. In addition, the proposed new building is over 5,000 square feet in size and is also a Special Exception.

The zoning ordinance lists the conditions needed for a Special Exception approval in:

Sec. 60-1336. Conditions-

- (a) *As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:*
- (1) *That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. (Staff Comment: This project meets the provisions of Condition 1.)*
 - (2) *That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. (Staff Comment: This project meets the provisions of Condition 2 subject to the approval of the Auburn Fire Department.)*
 - (3) *That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition. (Staff Comment: This project meets the provisions of Condition 3.)*
 - (4) *That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application. (Staff Comment: This project meets the provisions of Condition 4.)*
 - (5) *That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner. (Staff Comment: This project meets the provisions of Condition 5 subject to approval from Auburn Water and Sewer District and the Auburn Fire Department)*
 - (6) *That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter. (Staff Comment: This project meets the provisions of Condition 6.)*
 - (7) *That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan. (Staff Comment: This project meets the provisions of Condition 7.)*

Other conditions required for the Special Exception of a Sawmill are found in the Agricultural Resource Protection District regulations: (This applies to sawmills in the LDCR zone as well)

Sec. 60-172. Permitted uses; exceptions.

- (1) *Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:*
- a. *Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse. (Staff Comment: This project meets condition "a")*
 - b. *Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed. (Staff Comment: This project meets condition "b")*
 - c. *Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty. (Staff Comment: This project meets condition "c")*

IV. STAFF RECOMMENDATIONS:

A. **Site Plan Review-** The Staff recommends the Planning Board **APPROVE** the Site Plan Review for the proposed Sawmill/Firewood Cutting Operation at 2767 Turner Road as the application meets the requirements of the Site Plan Law **Sec. 60-1277** based on the findings that:

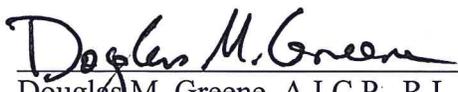
- The development has made provisions to protect adjacent areas against detrimental or offensive uses and will provide adequate surface water drainage and buffers against unwanted light, sound, dust and vibration and the preservation of light and air.
- The development has made provisions for safe vehicular and pedestrian movement within the site and adjacent areas.
- The development has made provisions for adequate disposal of wastes and the protection of environmental features of the site and adjacent areas.

B. **Special Exception-** The Staff recommends the Planning Board **APPROVE** the Special Exception for the proposed Sawmill/Firewood Cutting Operation at 2767 Turner as the application meets the requirements of **Special Exception Law, Section 60-1336** and **Sec. 60-172. Permitted uses; exceptions (Sawmills)** based on the findings that:

- The proposal fulfills the requirements of the Low Density County Residential zone.
- The proposed development will not create a traffic, fire or other safety hazard.
- Granting the Special Exception will not be an impediment to the implementation of the 2010 Comprehensive Plan.
- The proposed development will not have a negative effect on the characteristics or values of the neighborhood or surrounding area.
- The proposed development provides adequate area, open and green space, storm water management, parking, landscaping, building separation, water supply and building separation and the provision of maintenance of all of the above.
- The standards imposed are at least as stringent as those elsewhere imposed by the city.
- Essential services are available.

This recommendation of **APPROVAL** is subject to the following conditions:

1. Approval by Auburn Fire Department of fire protection.
2. Approval by Auburn Water and Sewer District of Phosphorus Control Plan and Septic System.
3. Prior to the commencement of site work, the developer must contact the Engineering Department regarding the requirement to provide bonding and pay inspection fees to cover those site improvements which have public impacts.
4. Add note to Site Plan, "Wood scraps and debris from the firewood operation are to be cleaned on a regular basis."


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