



# **AUBURN PLANNING BOARD MEETING**

**November 18, 2014**

## **Agenda**

**6:00 P.M. - City Council Chambers (Auburn Hall)**

### **ROLL CALL**

### **MINUTES:**

Review and approval request of the October 14, 2014 Meeting Minutes

### **PUBLIC HEARINGS:**

1. Studio A Architecture, an agent for the Roman Catholic Bishop of Portland is seeking approval of a Special Exception and Site Plan Review application to revise lotting and associated variance request of a side yard setback for the St. Louis Church property at 24 Dunn Street, pursuant to Chapter 60, Sections 60-1301; 60-1312 and 60-1336 of the City of Auburn Ordinances.

### **OLD BUSINESS:**

1. Form Code Update- Alan Manoian- Economic Development Specialist
2. Continued discussion of revised Planning Board By-Laws and Procedures.

### **NEW BUSINESS:**

1. Discuss Planning Board initiation of an amendment to the 2010 Comprehensive Plan to change a future land use designation from Agricultural to Low Density Residential Development.
2. Discuss Planning Board initiation of an amendment to the City of Auburn's Zoning Ordinance to meet the recommendation for Moderate Density Residential Development as recommended in the 2010 Comprehensive Plan.

### **MISCELLANEOUS:**

### **ADJOURNMENT**

Next scheduled meeting is on December 9, 2014 6 p.m. Council Chambers

## Auburn Planning Board Comments on The Draft Form Code Map and Development Guidelines

### Mapping:

1. The PB wants a more developed, graphically improved map.
  - Color scheme doesn't read well
  - Streets not labeled
  - Would like to see existing buildings, existing streets (transparent)
  - Will the form code be phased in? How will the plan be implemented?
  - How will the new street plan be implemented.
2. Why is the intersection of Court and Minot part of the plan? What is the justification?
3. The intersection of Court and Minot is an important point in the driving public's perception of Auburn and Downtown.
4. Court and Minot Ave. is not the best place for form code.
5. Concerned about market absorption (Minot and Court taking away from Great Falls area.
6. Hard to picture Court and Minot as a pedestrian friendly area.
7. The southern area of Minot Ave. is hemmed in by the RR tracks and limits new development.
8. Consider design guidelines in the Minot Ave. area as opposed to Form Code.
9. Initiate Form Code in targeted areas that have the greatest development potential.
10. Where is the New Auburn map?
11. Where is the T-4 description in the Development Guidelines?
12. Lot of concern about the "transition areas" where the proposed transects stop and the neighborhood starts.
13. Concern about the "transition areas" and how you go from urban (Form Code) to the neighborhood.
14. Why isn't the uptown neighborhood covered by the form code?
15. Discussed the greater detail needed to inventory and categorize existing housing stock.
16. Discuss other pressures on that neighborhood. (property maintenance, rental properties)
17. What happens to teardowns in the "transition areas"?
18. New Auburn just had a Master Plan done and it seemed like that plan is very dependent on form code for the redevelopment to be done appropriately.
19. Discussed the need to connect Downtown to New Auburn (us vs. them) through the greenway, trails and street. Can Form Code be used to help achieve that?
20. Concerned how the proposed switch of the vehicular focus on Academy Street to Elm Street will be handled and can the Form Code be used to guide that change?
21. How can Elm Street function with that change? Can the Elm Street neighborhood area handle the traffic and still accommodate bike, pedestrians and on street parking?
22. The Newberry Street "neighborhood" need attention with the planning going on around it.

### Design Guidelines:

1. Allow restaurants on the second floor. Durgin Park (?) in Boston was used as an example of that.
2. Concern on how the different first floor treatments of residential and commercial uses (3 foot elevation difference) accommodate the use flexibility that Form Code offers.

From the October 14, 2014 PB Meeting


3. Discussed first floor building setback being further back from ROW with second floor cantilevered over that space.
4. Discussed the importance of wide sidewalk in an urban setting. Will there be adjustments in the build to line if more sidewalk space is needed?
5. Look at preserving and/or protecting existing historic building line frontages.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning and Development

To: Auburn Planning Board

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

Date: November 14, 2014

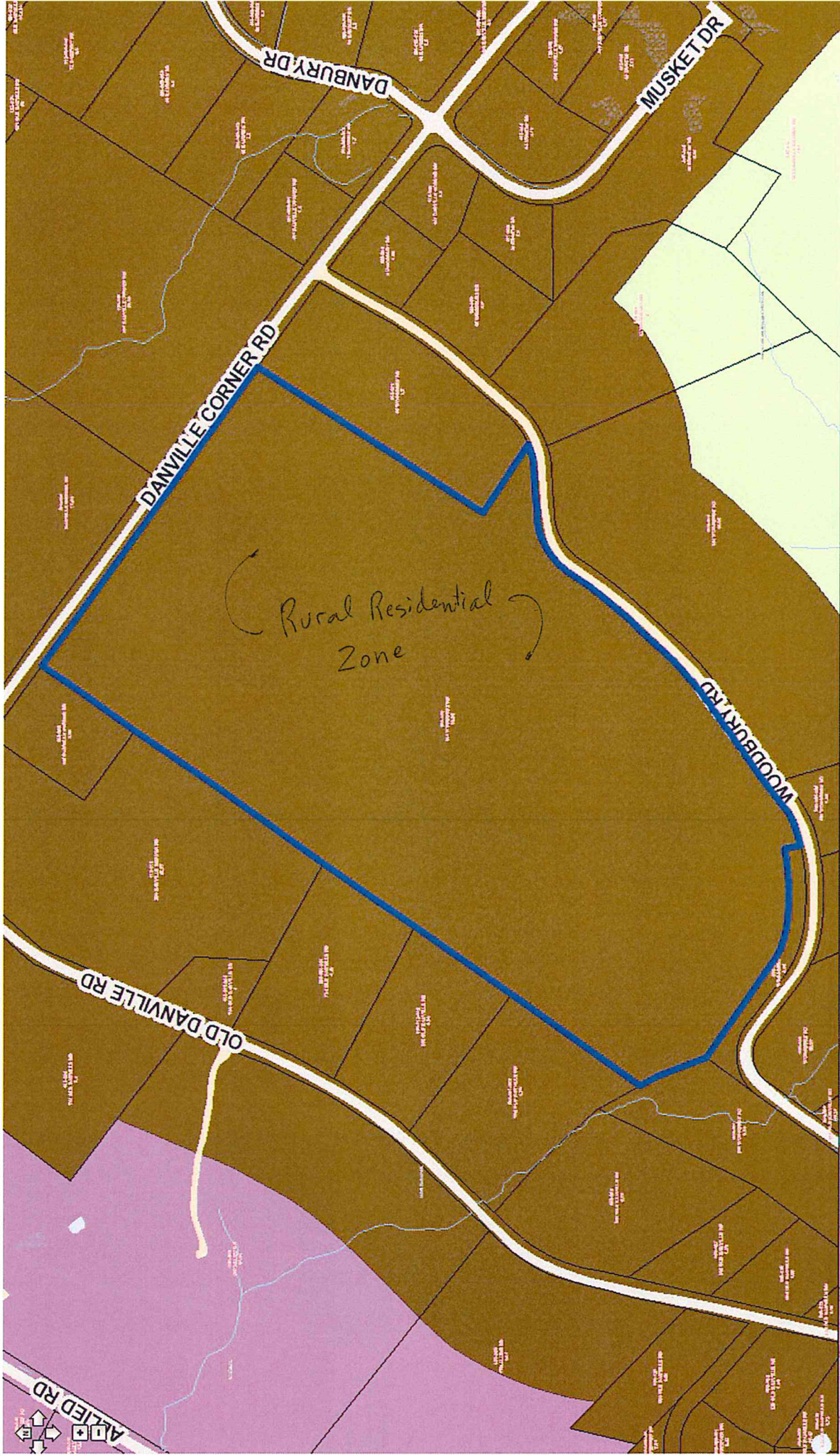
RE: Request to Initiate a Comprehensive Plan Land Use Amendment

---

On your agenda is a discussion item. The Staff is asking the Planning Board to initiate an amendment to the 2010 Comprehensive Plan's Land Use Map. A property located on Woodbury Hill Road (PID# 110-009) was purchased with the intent of developing a residential subdivision. The property is currently zoned Low Density Rural Residential which, allows one acre lots.

The future land use for this property is for Agricultural/Rural use, which will need to be changed in order for the Planning Board to consider the subdivision plan. In researching the 2010 Comprehensive Plan, it is unclear why the Agricultural/Rural future land use designation was used. You'll find a series of maps which show conflicting information as to what future land use category was intended to be on the final 2010 plan.

I will discuss this in more detail on Tuesday evening.



Rural Residential Zone

DANBURY DR

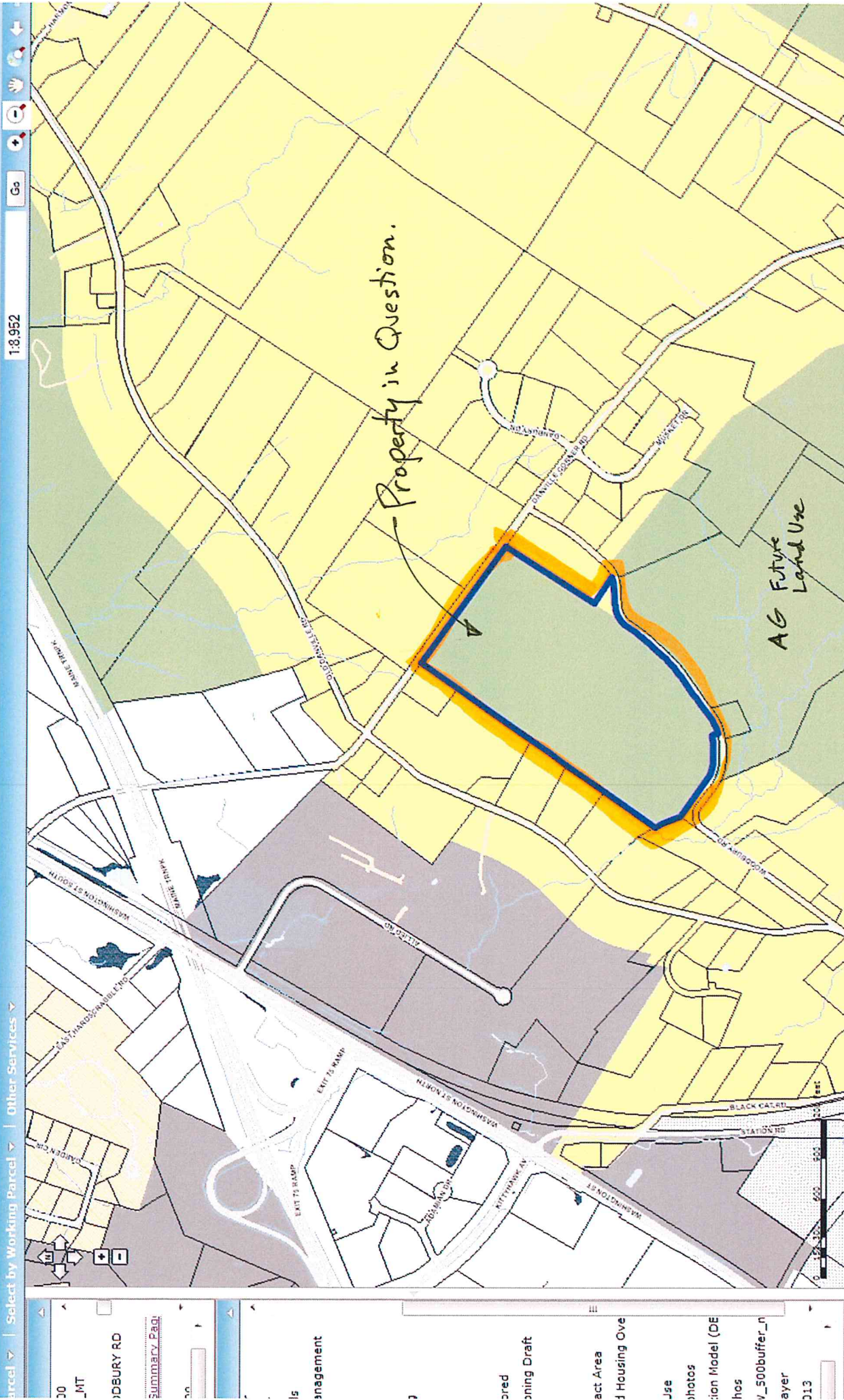
MUSKET DR

DANVILLE CORNER RD

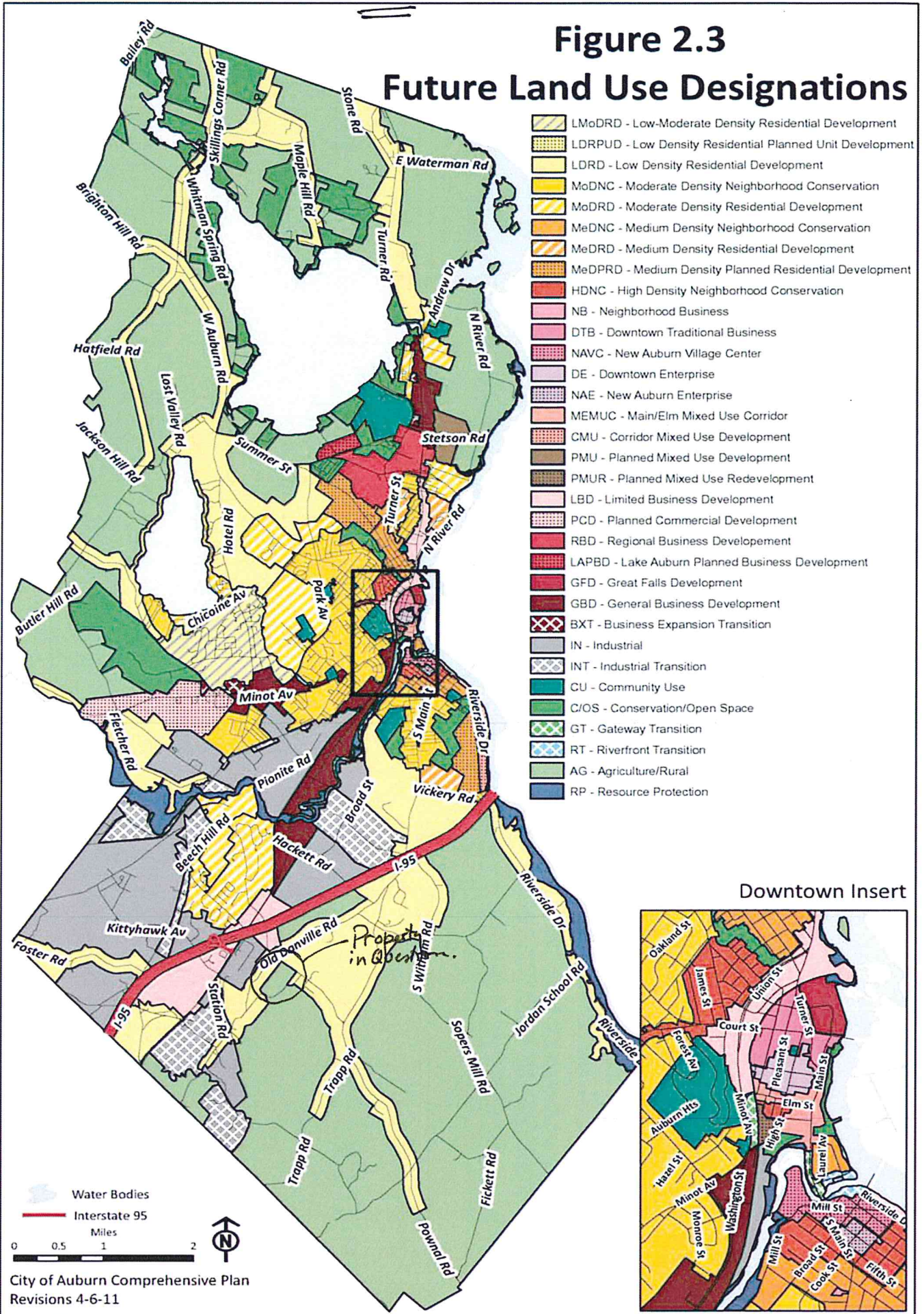
WOODBURY RD

OLD DANVILLE RD

ADDED RD

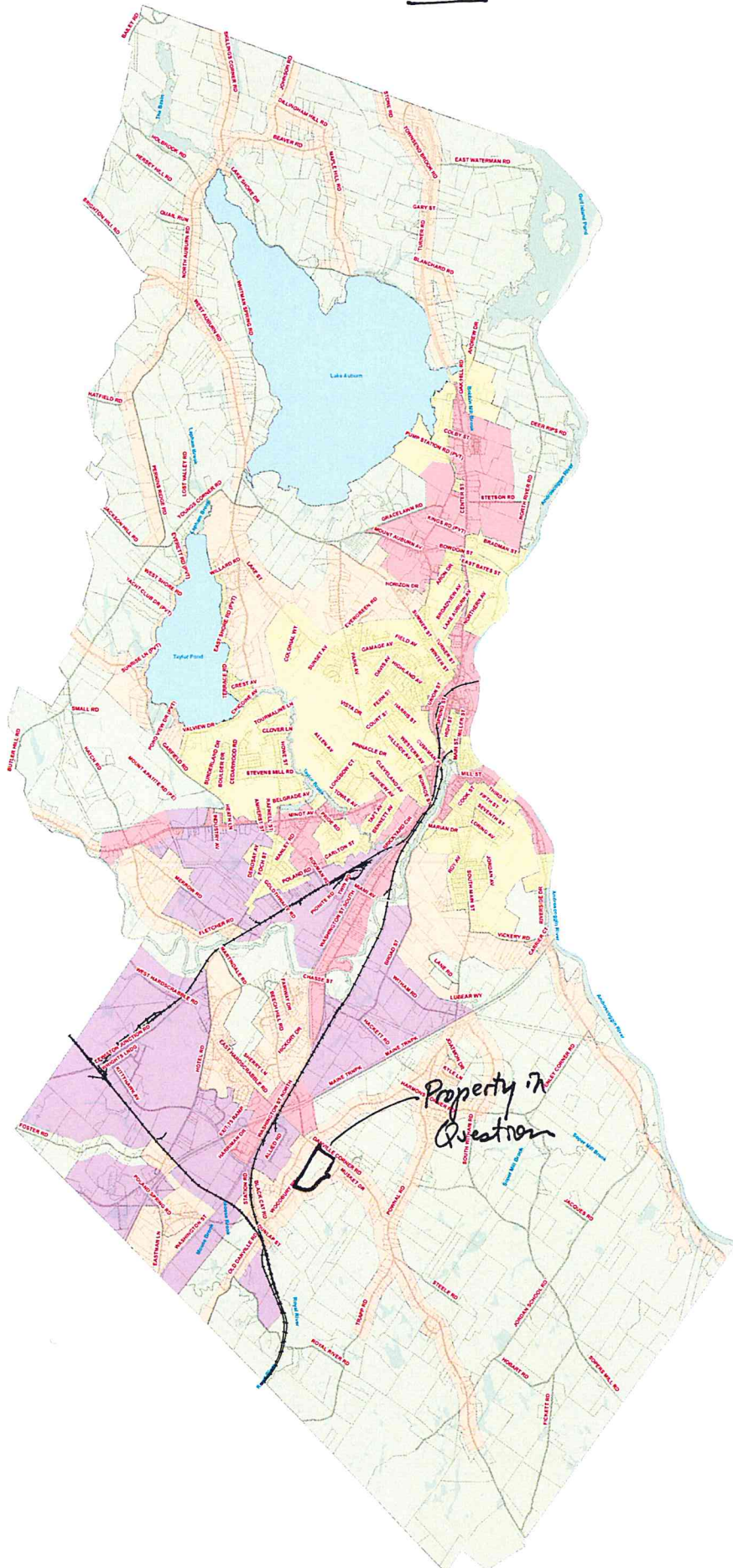


# Figure 2.3 Future Land Use Designations



# Auburn, Maine - Future Land Use Map

## Revised April 2009

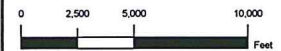


### Legend

- PARCELLINES
- ROADS
- RAILROAD

### Future Land Use

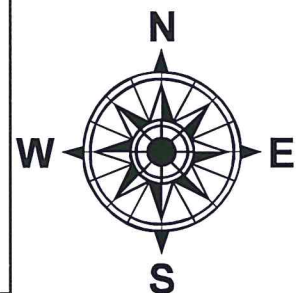
- ZONES
- AGRICULTURE/RESOURCE PROTECTION
  - COMMERCIAL
  - INDUSTRIAL
  - RESIDENTIAL - LOW DENSITY
  - RESIDENTIAL - MEDIUM/HIGH DENSITY
  - WATER



1 inch = 2,500 feet

### DISCLAIMER

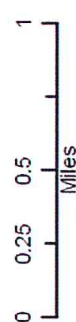
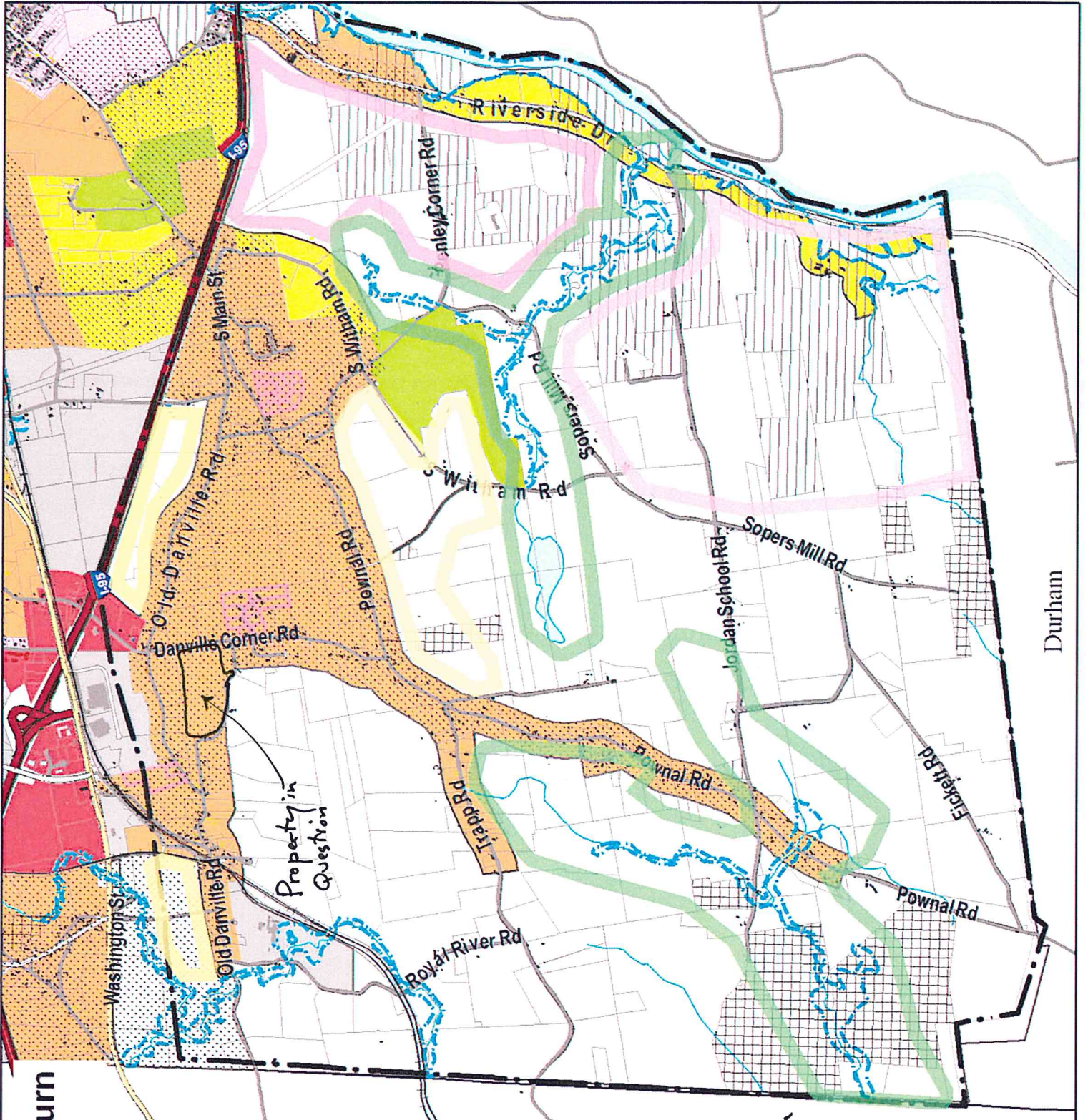
The City of Auburn offers no warranties or guarantees as to the accuracy or fitness of purpose of this data. Use at your own risk.





# Danville/So Auburn

- Legend**
- Zoning Districts**
- General Business
  - Industrial
  - Rural Residential
  - Low Density Country Residential
  - Other Zones
  - AG Zone
  - Active Farm Land
  - Tree Growth
  - Golf Course
  - Manufactured Housing Overlay
  - Approved Subdivision
  - Floodplain
  - Possible Conservation Areas
  - Possible Residential Areas
  - Possible Reserve Area









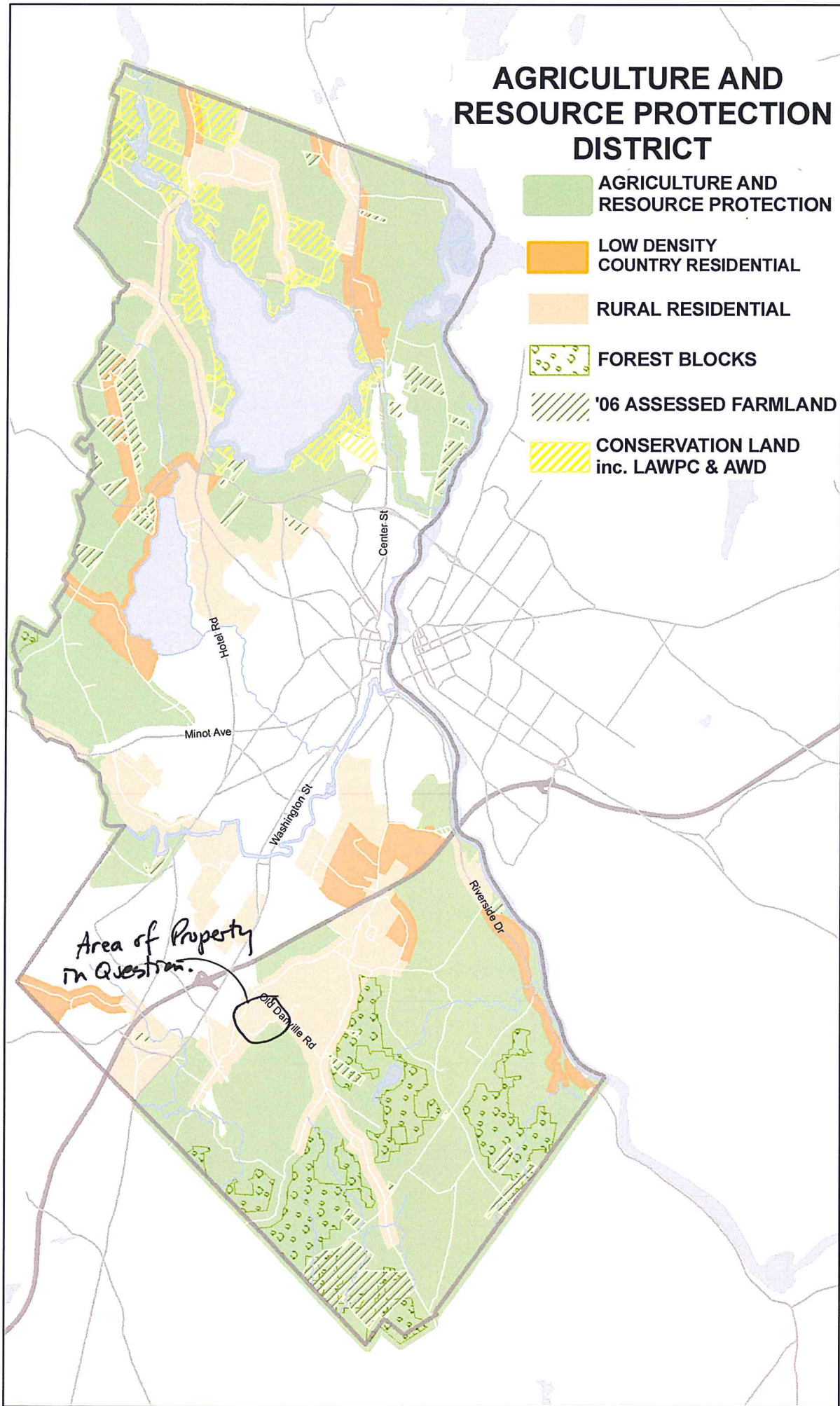
New Gloucester

Working Map from  
2010 Comp Plan  
Process.

Durham

# AGRICULTURE AND RESOURCE PROTECTION DISTRICT

-  AGRICULTURE AND RESOURCE PROTECTION
-  LOW DENSITY COUNTRY RESIDENTIAL
-  RURAL RESIDENTIAL
-  FOREST BLOCKS
-  '06 ASSESSED FARMLAND
-  CONSERVATION LAND inc. LAWPC & AWD



May 14, 2002 repealed on  
Revised on 10/14/14  
Adopted on

CITY OF AUBURN  
PLANNING BOARD  
POLICIES AND PROCEDURES BY LAWS

**ARTICLE I. Objectives**

The objectives and purpose of the Planning Board of the City of Auburn, Maine, are those set forth in the Auburn City Charter, those powers and duties delegated to the Planning Board by the City Council in Chapter 60 of the Auburn City Ordinances and those objectives and powers set forth in Maine Revised Statutes.

**ARTICLE II. Planning Board Makeup Membership**

- (a) The membership and composition of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466.
- (b) Rules regarding the appointment of Planning Board members shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466. ~~In addition, Planning Board members shall serve for no more than three consecutive terms.~~
- (c) Attendance at all Planning Board meetings (Public Hearings and Workshops) shall not drop below 50% within a 12 month period. If attendance does drop below this level, the Planning Board Chairperson may forward a recommendation to the City Council to remove that Board member.
- (d) ~~If a situation occurs that does not allow a Board member to attend a meeting, a call to the Planning and Development staff is required in order to be considered for an excused absence.~~
- (e) The Planning Board Chairperson may forward a recommendation to the City Council to remove a single Board member for cause at any time given that such action is taken under the consensus of the Board.

### **ARTICLE III. Officers and Their Duties**

- (a) The Officers and their Duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-467.
- (b) The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage as written in "Roberts Rules of Order."
- (c) The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon.

### **ARTICLE IV. Election of Officers**

- (a) Officers shall be nominated from the floor and elected at the regular February meeting.
- (b) If more than one member is nominated for the same position, then the Board shall vote by private ballot
- (c) A candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his/her successor shall take office.
- (d) Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous Sections of this Article.

### **ARTICLE V. Planning Board Submissions**

- (a) In order to be placed on the Planning Board agenda, an application, petition or amendment must satisfy the conditions contained in Chapter 60 of the City of Auburn Code of Ordinances. The Planning Board authorizes the Planning and Development Staff ~~shall to review and~~ notify the applicant ~~of any deficiency~~ within 5 working days of submission that either: 1.) the application is not complete and is not accepted for processing and shall enumerate the materials that are missing; or 2.) one or more required minor elements are missing or inadequate and need to be submitted within 8 working days or within 13 days before the planning board meeting or the application will be determined not to be complete; or 3.) the application is complete and a public hearing is scheduled for (give the date of the next Planning Board meeting to be held after notification requirements have been met).

- (b) All ~~revised-deficient~~ plans and documents must be submitted to the Planning and Permitting Services Department at least ~~ten thirteen~~-(130) days prior to the meeting.
- (c) Additional applicant ~~revisions or~~ communications to the Board must be submitted to the Planning and Permitting Services Department no later than the end of day Wednesday before the Planning Board meeting.
- (d) The Board may nonetheless, in accordance with state and local law and at it's own discretion, consider an application, petition or amendment that fails to meet sections (a) through (c), if the Board finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

**(e) Information Available to All (Conversely Ex Parte Communications)**

To be considered by the Board all information, such as evidence, data, reports, positions for and against and the like shall be submitted so as to be available to all Board members, the staff and the public at an open public meeting. If one or more Board members are contacted privately by an individual, such as an applicant or a person potentially affected by a proposed development, outside of an open public meeting, they must respond by saying that to be considered by the Board information has to be submitted so as to be available at an open public meeting. In other words, contact with one or more Board members privately and outside the context of an open public meeting is not allowed.

**(f) Site Visits-**

Outside of a duly advertised site visit by the whole Board individual Board members are encouraged to visit the site of applications to the Board to familiarize themselves with the site and the surrounding neighborhood but should discourage the applicant or any neighbors or other interested parties from attempting to privately provide information or argue for or against an application because such information must be submitted so as to be available to all Board members, the staff and the public at an open public meeting.

## **ARTICLE VI. Meetings**

- (a) Regular Mmeetings will be held on the second Tuesday of each month at 6:00 p.m. at the Auburn City Building provided that the Board, ~~by resolution~~, may vote to hold its meeting on any other day in the month, or at any other place, or at any other time of day or upon confirmation of a majority of the Board members, ~~the Department of Planning and Permitting Services may schedule a meeting for a different day, or place or time.~~

- (b) The basis for meeting a quorum, as well as taking acting by voting, shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-469. In addition, a tie vote shall be considered final action by the Board and an application, petition or proposed amendment shall be deemed denied if the Board's final action results in a tie vote. Voting shall be by roll call where requested by any member except on unanimous vote. A record of the roll call vote shall be kept as part of the record.
- (c) Special meetings may be called by the Chairperson. Special meetings shall be called by the Chairperson when requested to do so by four of the members of the Board. The notice of such a meeting shall specify the purposes for which it is called and no other business shall be considered except by unanimous consent if all Board members are present. The Staff Secretary shall notify all members of the Board at least two (2) days in advance of such special meeting.
- (d) No new agenda items will begin after 9:00 p.m. except with the unanimous consent of all Board Members present.
- (e) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board, prior to or after the 9:00 p.m. cut-off may postpone items or portions of items to the next scheduled meeting of the Board by majority vote of members present at the meeting.
- (f) If seven regular Planning Board Members are not present, then the Associate Board Members will take the place of the absent members for voting purposes in an alternating manner. The participating Associate Member(s) will have full voting privileges

## **ARTICLE VII. Order of Business**

- (a) The normal order of business for the Board shall be as follows:
  - A. Roll Call
  - B. Approval of Minutes
  - C. Public Hearings
  - D. Old Business
  - E. New Business
  - F. Miscellaneous
  - G. Adjournment
- (b) The normal order of business may be altered by consent of the Board.

## ARTICLE VIII. Public Hearings

- (a) In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- (b) Notice of all public hearings shall be in accordance with-State law and local ordinances.

(The following is from Chairman Bowyer's draft Policies and Procedures)

### **PUBLIC HEARING**

#### Notification to Interested Parties

- Post legal notice, as required by State law and City Ordinance
- Send legal notice to abutters, neighbors within a reasonable distance (greater than minimum required by law), to identified community/neighborhood groups, to City Councilors, city departments boards or committees, other public agencies that might be interested/affected. (Does the Board have the authority to do this?)
- In addition to the legal notice, create and send an explanation, in English a non-technical language, of the proposal and its potential effects. Advise recipients more information will be available, shortly before the hearing, on the City of Auburn/Planning Board web site that will have staff analysis, relevant documents or data submitted by applicant and PB's Policies And Procedures for conduct of public hearing

(c) Preparation for the Public Hearing- All the information, plans, reports and the like that may be presented or used at the public hearing shall be available by the close of business on the Friday preceding the hearing. The objective is to provide time for the staff, the Board and the public to have a reasonable time period to review and analyze all the material. No last minute information, plan, report or the like may be submitted on the day of, or at the public hearing. It will not be admitted in the hearing or considered because it has not been available to be reviewed by the staff, the Board or the public.

The staff shall post the staff report, and other relevant material, on the City of Auburn/Planning Board web site by the close of business on the Friday preceding the hearing. The staff may also, at the same time, post material submitted by the petitioner/applicant, such as a summary of the proposal or any accompanying documentation. The staff shall include the title and a brief description of all the documentation submitted by the petitioner/applicant

and indicate it is available for inspection in the offices of the Planning and Permitting Department during business hours.

Similarly, if members of the public have prepared written material or reports about a petition or application, they may submit it to be included in the material to be posted.

If the applicant or members of the public have written material to be posted, they should coordinate with the staff and submit the material in a compatible electronic format.

These Policies and Procedures will be posted on the web site so that the applicant/petitioner and the public will be aware how the hearing will be conducted.

(d) Conduct of the Public Hearing

- 1. Status of Board Members:** Any regular Board member may want to recuse him/her self from acting on the application/petition because of a conflict of interest or personal reason. Any member who does shall surrender his/her seat and either leave the chamber or sit in the back of the room. Such member shall not communicate with other members of the Board who are acting on an application/petition and shall not address the Board if they are a party at interest who is potentially affected by the application/petition.

In the case where a member does not have a conflict of interest, as defined by [\(Maine Revised Statutes, Title 1, Chapter 25 and M.R.S.A. Section 2605, Chapter 30-A, Conflict of and Auburn Code of Ordinances-, Chapter 2 – Administration, Article III, Officers and Employees, Division 2, Ethics and Conflicts of Interest\)](#) but believes he/she may have the appearance of a conflict, the member shall state the situation and the remaining regular members of the Board shall vote whether they believe a conflict does exist and the member should sit or not.

One Associate member shall be selected to hear and act upon the application/petition for each regular member who is absent or recuses him/her self. Sitting in a public hearing shall be alternated between the two Associate members.

In the case where a hearing is continued to a subsequent meeting and all of the members who sat on the original hearing are not present, a regular member who was absent at the earlier hearing may sit on the continued meeting provided he/she certifies that he/she has familiarized themselves with the testimony and proceedings of the previous hearing.

- 2. Staff Report:** A member of the staff shall present the report prepared by the staff or any other relevant information. Board members may ask questions and seek clarification of the application/petition, potential impacts of the development, if approved, provisions of the Zoning Ordinance or of other



applicable regulations and laws. It is not appropriate, at this time, for Board members to comment on the merits of the application/petition and whether it should be approved or not. Those comments should be reserved until after the presentation by the applicant and testimony given by the public.

**3. Participation by the Public:** A public hearing is an open meeting as described in ([M.R.S.A., Title 1, Section 403 and Auburn Code of Ordinances-, Chapter 2 – Administration, Article V, Boards, Commissions and Committees, Divisions 4, Planning Board](#)) The public is entitled to listen to the proceedings. The public is invited to participate in the proceedings at times designated herein. An open meeting does not mean the public is allowed to participate in an ongoing dialogue with the Board or the staff throughout the meeting.

The applicant, any member of the public, or any public official addressing the Board shall use the microphones in the chamber. They shall first give their name and address and if representing and speaking in behalf of another party shall so state. All public hearings are recorded to be available for the record. If a person does not use the microphone their comments may not be recorded.

Any member of the public or any public official addressing the Board shall be limited in speaking to five minutes. At the Chair's discretion, an additional five minutes may be granted. A speaker should not repeat, at length, arguments or points made by previous speakers. They should briefly state their agreement or support for those positions. Reading of prepared speeches is not encouraged. The Board welcomes submittal of prepared written statements that will be included in the record.

In the interests of an orderly public hearing all persons speaking shall seek recognition from the chair and shall not speak directly to Board members, staff or other members of the public except as the Chair may direct. Board members and staff shall also seek recognition from the chair before speaking to other persons.

The objective of the hearing is to hear testimony. There will be time for dialogue and debate on the merits of the application/petition later.

**4. Presentation by the Petitioner/Applicant** After the presentation of the staff report and questions about it from the Board, the applicant shall make the case for approval of the application/petition and any analysis of the potential impacts of the proposed development. The applicant shall be prepared to respond to questions from the Board or the staff.

In the case of a petition to amend the Zoning Ordinance or the Zoning Map, everyone should be aware that the potential impacts are not limited to the property of the petitioner but would be applicable to all properties in the city in the same zoning district classification. Similarly everyone should be aware

that approval of the petition does not limit the extent of development to a specific proposal described by the petitioner. A change of zoning district designation, or the text of the Zoning Ordinance, entitles the petitioner, or all property owners in the same zoning district classification elsewhere in the city to the full development potential described for that zoning district classification. Other uses or a more intensive development, different than a petitioner's specific proposal, may be authorized in that zoning district classification.

**5. Public Comment:** After presentation by the application/petition and questions from the Board and planning staff, the public is invited to speak. Any person may speak; it is not limited to nearby neighbors or to residents of Auburn. All people who speak are required to use the microphones provided and give their name and address.

Any person who speaks may support, or oppose, the application/petition or ask questions of the staff, the Board or the applicant

This part of the hearing is not intended to be a debate, dialogue or rebuttal between the speaker and the Board or staff. Primarily the Board will listen to the testimony but may ask questions of the speaker for clarification of his/her position.

Speakers are requested to not restate, at length, points made by previous speakers. They should refer to them briefly to underscore those points.

Speakers will be recognized in the order in which they come forward. The hearing is not arranged to hear all of the proponents and then all of the opponents, or vice versa.

It is not the practice of the Board to take a poll of those in favor and those opposed. The number of people with a particular position is not a factor; the strength of their arguments is what matters.

After all persons who want to speak have done so, the Board will move to close the public comment part of the hearing. After that motion discussion will be limited to Board members and staff.

**6. Discussion, Action by the Board:** After the presentation by the applicant and public comment, the Chair will call for a general discussion among the Board to gauge their perspective on the application/petition. Members may, through the chair, direct a question to the applicant for clarification. Also, members may think the application/petition might be acceptable if subjected to certain limiting conditions. Through the chair, the member may ask the applicant whether such condition is acceptable.

After general discussion, if it appears there is a consensus, a motion will be in order. After a motion is made and seconded, there will be discussion on the

specific motion. Other members may suggest amendment to the original motion and ask the maker of the motion if it is acceptable.

Following parliamentary procedure the Board will decide, by vote, whether to approve, with or without conditions, disapprove or defer action on the application/petition. The vote of the Board on the motion constitutes the decision of the Board and for determining the timing of subsequent actions, such as appeals.

**7. Written Decision** After approval of a motion duly made and seconded, a written decision needs to be drafted. Given the complexity of some applications and the likelihood that the Board may want to attach limiting conditions, it would be challenging to produce a written decision instantaneously. The staff will prepare the draft of a written decision, incorporating the intent of the motion approved by the Board. The draft of the decision will then be circulated to members of the Board for their review. If the draft is considered acceptable by the members, the written decision will then be filed. If one or more members does not agree with the language of the draft prepared by the staff, they shall submit alternative language, that shall then be circulated to the Board for their additional review.

This procedure for subsequent review of the draft of a written decision is necessary because the alternative would be to schedule a review of the draft at the next scheduled meeting of the Board. That could result a delay of a month or more and would be unfair to all concerned.

(End of Chairman's Bowyer's Policies and Procedures)

## **ARTICLE IX. Jurisdiction and Duties**

- (a) The jurisdiction and duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-475.

*Should we use this space to define "how" we are going to complete some of the tasks outlined in the ordinance?*

## **ARTICLE IX. Amendments**

These By-Laws may be amended by a majority vote of the membership of the Planning Board present, to include both Regular and Associate members of the Board, provided that a quorum, consisting of four members is met. An affirmative vote by at least four members shall be necessary to authorize any action to amend the By-Laws. at least three affirmative votes are required to amend these By-Laws. Any amendments must be submitted prior to the meeting.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning and Development

To: Auburn Planning Board

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

Date: November 14, 2014

RE: Discussion Item # 2- Request to Initiate a Zone Change

---

On your agenda is another discussion item. The Staff is asking the Planning Board to initiate a zone change in an area of Auburn that would implement the future land use map recommendations in 2 areas. There has been interest in developing higher density development that the current zoning does not allow.

Attached with this memo is a map of the 2010 Comprehensive Plan's Future Land Use Map with the two areas highlighted of Moderate Density Residential Development and the Comp Plan section that describes the Objectives, Allowed Uses and Development Standards for that land use category.

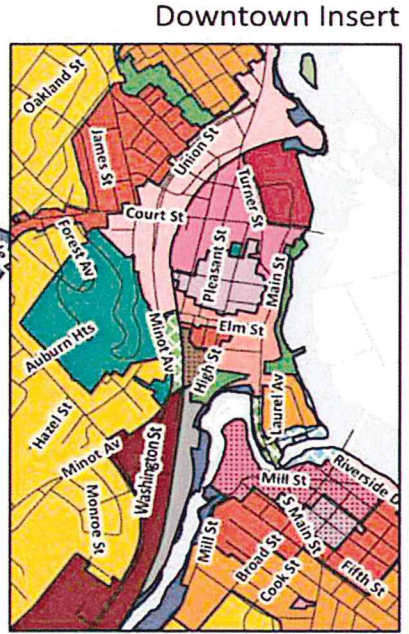
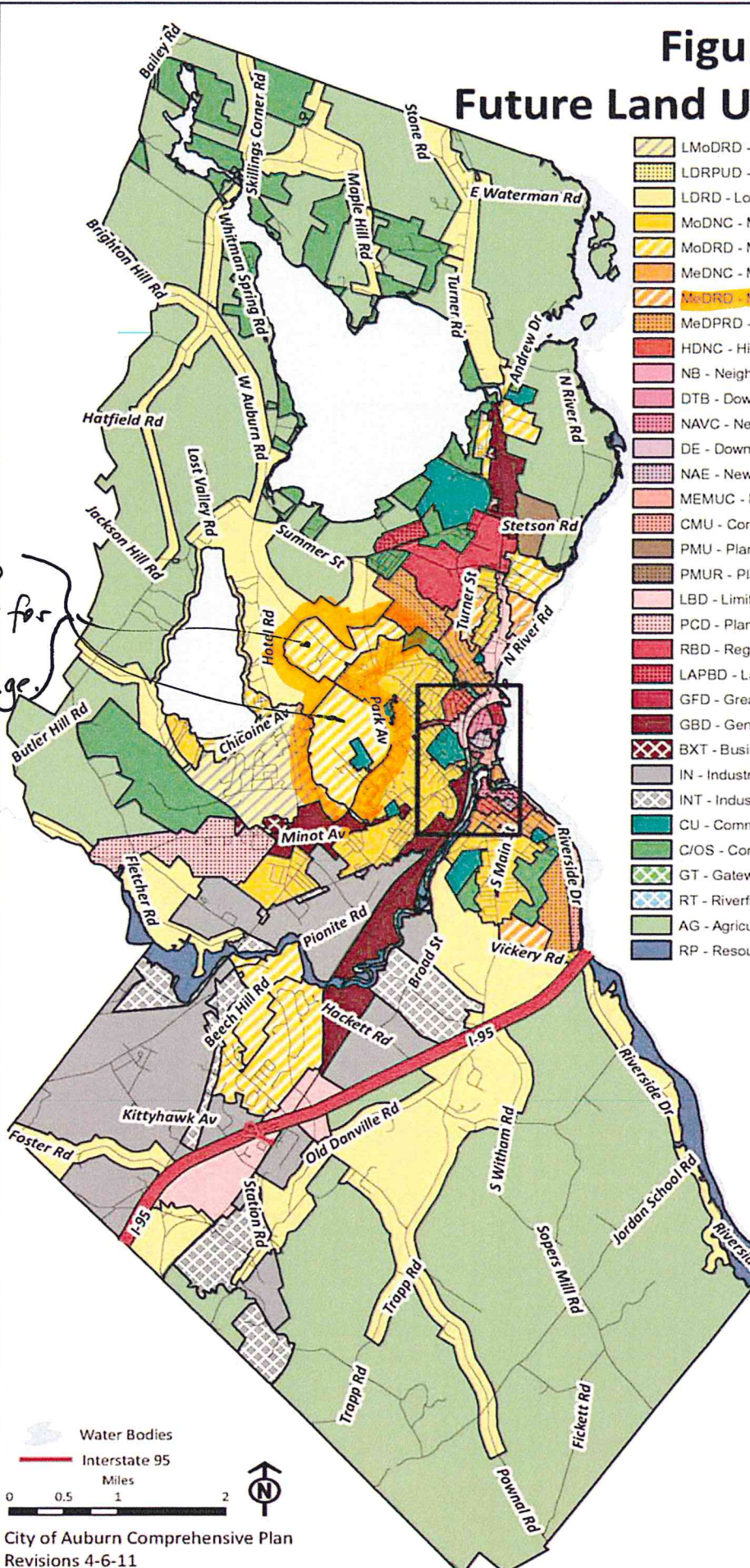
Should you decide to initiate this zone change, the staff will come back in the next month or two with additional research and information on the subject area.

I will discuss this in more detail on Tuesday evening.

# Figure 2.3 Future Land Use Designations

2 Areas to Consider for possible zone change.

- LMoDRD - Low-Moderate Density Residential Development
- LDRPUD - Low Density Residential Planned Unit Development
- LDRD - Low Density Residential Development
- MoDNC - Moderate Density Neighborhood Conservation
- MoDRD - Moderate Density Residential Development
- MeDNC - Medium Density Neighborhood Conservation
- MeDRD - Medium Density Residential Development**
- MeDPRD - Medium Density Planned Residential Development
- HDNC - High Density Neighborhood Conservation
- NB - Neighborhood Business
- DTB - Downtown Traditional Business
- NAVC - New Auburn Village Center
- DE - Downtown Enterprise
- NAE - New Auburn Enterprise
- MEMUC - Main/Elm Mixed Use Corridor
- CMU - Corridor Mixed Use Development
- PMU - Planned Mixed Use Development
- PMUR - Planned Mixed Use Redevelopment
- LBD - Limited Business Development
- PCD - Planned Commercial Development
- RBD - Regional Business Development
- LAPBD - Lake Auburn Planned Business Development
- GFD - Great Falls Development
- GBD - General Business Development
- BXT - Business Expansion Transition
- IN - Industrial
- INT - Industrial Transition
- CU - Community Use
- C/Os - Conservation/Open Space
- GT - Gateway Transition
- RT - Riverfront Transition
- AG - Agriculture/Rural
- RP - Resource Protection



subdivisions along existing roads should not be allowed. New development should be designed to minimize the number of vehicular access points to existing collector or other through roads. This designation is considered to be provisional for areas that are currently zoned Agriculture/Resource Protection – in this situation the current Ag/RP zoning or its equivalent should remain in place until a planned development proposal is under active consideration by the property owner.

*Allowed Uses* – The following general types of uses should be allowed as part of a planned development in the Medium Density Planned Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- multifamily housing
- elderly housing
- assisted living and retirement housing
- home occupations
- community services and government uses
- recreational facilities and open space

In addition, small-scale office and service uses (< 5,000 square feet) should be permitted as part of a planned development as long as the scale and intensity of the uses are compatible with the residential nature of the development and they are integrated into the overall development.

Agriculture including animal husbandry should be allowed as an interim use in these areas,

*Development Standards* – Multifamily housing and townhouse style development should be allowed at a density of up to 10-12 units per acre, while single and two-family housing should be allowed at a density of up to 6-8 units per acre. The development standards should require that the development be designed to reflect the opportunities and constraints of the parcel and the adjacent area. Therefore, the standards should allow flexibility in how the units/lots are laid out, as long as the design is consistent with the site's characteristics. Planned developments should be required to set aside 15-25% of the gross area as open space or conservation land. New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

---

### **Moderate Density Residential Development District (MoDRD)**

*Objective* – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public sewerage and public water (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The following general types of uses should be allowed within the Moderate Density Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- multifamily housing
- home occupations
- community services and government uses
- agriculture

*Development Standards* – Multifamily housing and townhouse style development should be allowed at a density of up to 6-8 units per acre while single and two-family housing should be allowed at a density of up to 4-6 units per acre. The development standards should allow for more dense development and smaller lots for projects that do not use existing collector or through roads for access to individual units/lots. The lot size for detached single family homes that are not part of a development should be as small as 7,500 – 10,000 square feet. Lot frontage requirements on existing collector and other through roads should be around 100 feet but should be reduced for lots that are accessed from existing local streets or streets within a development. In general, the minimum front setback should be 20-25 feet. Side and rear setbacks should be established that relate to the size and width of the lot.

### **Low-Moderate Density Residential Development District (LMoDRD)**

*Objective* – Allow for the development of residential and community uses at a density of up to 2-3 units per acre in areas that are typically not served by public sewerage (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The following general types of uses should be allowed within the Low-Moderate Density Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- home occupations
- community services and government uses
- agriculture

*Development Standards* – Single and two-family housing and townhouse style development should be allowed at a density of up to 2-3 units per acre. The development standards should allow for more dense development and smaller lots for projects that do not use existing collector or through roads for access to individual units/lots. The lot size for detached single family homes that are not part of a development should be as small as 15,000 to 20,000 square feet. Lot frontage requirements on existing collector and other through roads should be around

**St. Louis Church  
Property**

GENERAL BUSINESS

SECOND

RIVERSIDE

MULTI-FAMILY URBAN

ROAK

NEIGHBORHOOD BUSINESS

FOURTH

DUNN

THIRD

GILL

FIFTH

ROCK



# STUDIO A ARCHITECTURE

October 24, 2014

Mr. Eric Cousens  
Deputy Director of Planning and Development  
City of Auburn  
Auburn Hall  
60 Court Street  
Auburn, Maine

Re: St Louis Church Property  
Special Exception Site Plan Review  
And Variance Request

Dear Eric,

On behalf of the Roman Catholic Bishop of Portland, I am respectfully requesting a Special Exception and Site Plan Review, including a variance request of the side yard setback requirement for the St. Louis Church property at 24 Dunn Street in Auburn.

As you are aware, the future of the church building has been a matter of local concern since the building was closed in 2013. The Parish of the Immaculate Heart of Mary was persuaded to delay the demolition, scheduled for December 2013, to see if any interest in preserving the church building might develop. The dramatic removal of the four steeple bells, sold to an "out of state" firm, and the resulting strong public concern were factors in the current agreement to purchase the bells so they might remain in Auburn. This interest in the bells, and the church that had housed them, gave hope that the attendant publicity would encourage some individual or group to step forward to save the church. That hope may soon be realized if this variance is approved.

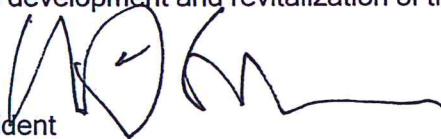
There are currently two buildings on the parcel; the St. Louis Church and the former Convent, now called St. Francis House. The Diocese has a long-term lease agreement with Sisters of Charity Health System, Inc., for St. Francis House. For the portion of the parcel where the church is located to be conveyed to a new owner, the two buildings must be separated by dividing the parcel.

The current code requires a 15 - foot setback from side property lines; however the two existing structures are only 13 feet apart. The Bishop is requesting a variance in this instance for a 6.5 - foot setback for each existing structure. This variance will make possible the transfer of ownership of the St Louis Church, leading to a new role in the community contributing to development and revitalization of New Auburn in particular.

I have included an additional narrative on the history of this historic building and its significance for many throughout Auburn, which I am confident will demonstrate the importance of this request to the future development and revitalization of the area.

Respectfully,

Noel D. Smith, President  
Studio A Architecture





# Development Review Checklist

City of Auburn Planning and Permitting Department  
City of Lewiston Department of Planning and Code Enforcement

**THE FOLLOWING INFORMATION IS REQUIRED WHERE APPLICABLE TO BE SUBMITTED FOR AN APPLICATION TO BE COMPLETE**

**PROJECT NAME:** DIVISION of ST. LOUIS CHURCH PARCEL

**PROPOSED DEVELOPMENT ADDRESS and PARCEL #:** 24 DUNN STREET

Required Information		Check Submitted		Applicable Ordinance	
		Applicant	Staff	Lewiston	Auburn
<b>Site Plan</b>					
	Owner's Names/Address	x			
	Names of Development	x			
	Professionally Prepared Plan	x			
	Tax Map or Street/Parcel Number	x			
	Zoning of Property	x			
	Distance to Property Lines	x			
	Boundaries of Abutting land				
	Show Setbacks, Yards and Buffers	x			
	Airport Area of Influence (Auburn only)	Auburn			
	Parking Space Calcs	NA			
	Drive Openings/Locations	X			
	Subdivision Restrictions	NA			
	Proposed Use	X			
	PB/BOA/Other Restrictions	NA			
	Fire Department Review	NA			
	Open Space/Lot Coverage	X			
	Lot Layout (Lewiston only)	NA			
	Existing Building (s)				
	Existing Streets, etc.				
	Existing Driveways, etc.				
	Proposed Building(s)				
	Proposed Driveways				
<b>Landscape Plan</b>					
	Greenspace Requirements	NA			
	Setbacks to Parking	NA			
	Buffer Requirements	NA			
	Street Tree Requirements	NA			
	Screened Dumpsters	NA			

	Additional Design Guidelines	NA			
	Planting Schedule	NA			
<b>Stormwater &amp; Erosion Control Plan</b>		NA			
	Compliance w/ chapter 500				
	Show Existing Surface Drainage				
	Direction of Flow				
	Location of Catch Basins, etc.				
	Drainage Calculations				
	Erosion Control Measures				
	Maine Construction General Permit				
	Bonding and Inspection Fees				
	Post-Construction Stormwater Plan				
	Inspection/monitoring requirements				
	Third Party Inspections (Lewiston only)				
<b>Lighting Plan</b>		NA			
	Full cut-off fixtures				
	Meets Parking Lot Requirements				
<b>Traffic Information</b>		NA			
	Access Management				
	Signage				
	PCE - Trips in Peak Hour				
	Vehicular Movements				
	Safety Concerns				
	Pedestrian Circulation				
	Police Traffic				
	Engineering Traffic				
<b>Utility Plan</b>		NA			
	Water				
	Adequacy of Water Supply				
	Water main extension agreement				
	Sewer				
	Available city capacity				
	Electric				
	Natural Gas				
	Cable/Phone				
<b>Natural Resources</b>		NA			
	Shoreland Zone				
	Flood Plain				
	Wetlands or Streams				
	Urban Impaired Stream				
	Phosphorus Check				
	Aquifer/Groundwater Protection				
	Applicable State Permits				

	No Name Pond Watershed (Lewiston only)				
	Lake Auburn Watershed (Auburn only)	NA			
	Taylor Pond Watershed (Auburn only)	NA			
<b>Right Title or Interest</b>		X			
	Verify				
	Document Existing Easements, Covenants, etc.				
<b>Technical &amp; Financial Capacity</b>		NA			
	Cost Est./Financial Capacity				
	Performance Guarantee				
<b>State Subdivision Law</b>		NA			
	Verify/Check				
	Covenants/Deed Restrictions				
	Offers of Conveyance to City				
	Association Documents				
	Location of Proposed Streets & Sidewalks				
	Proposed Lot Lines, etc.				
	Data to Determine Lots, etc.				
	Subdivision Lots/Blocks				
	Specified Dedication of Land				
<b>Additional Subdivision Standards</b>		NA			
	Single-Family Cluster (Lewiston only)				
	Multi-Unit Residential Development (Lewiston only)				
	Mobile Home Parks				
	Private Commercial or Industrial Subdivisions (Lewiston only)				
	PUD (Auburn only)				
<b>A jpeg or pdf of the proposed site plan</b>		X			
<b>Final sets of the approved plans shall be submitted digitally to the City, on a CD or DVD, in AutoCAD format R 14 or greater, along with PDF images of the plans for archiving</b>					



# Development Review Application

City of Auburn Planning and Permitting Department  
City of Lewiston Department of Planning and Code Enforcement



**PROJECT NAME:** DIVISION OF ST. LOUIS CHURCH PARCEL

**PROPOSED DEVELOPMENT ADDRESS:** 24 DUNN STREET

**PARCEL ID#:** 221-196

**REVIEW TYPE:**      **Site Plan**                       **Site Plan Amendment**   
                                  **Subdivision**                                       **Subdivision Amendment**

**PROJECT DESCRIPTION:** The Roman Catholic Bishop of Portland wishes to divide the parcel at 24 Dunn Street to facilitate the transfer of ownership of the former St. Louis Church building.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CONTACT INFORMATION:**

**Applicant**

**Name:** Studio A Architecture  
**Address:** 179 Lisbon Street Suite 202 Lewiston  
**Zip Code** 04240  
**Work #:** 333-3060  
**Cell #:** NA  
**Fax #:** NA  
**Home #:** NA  
**Email:**  
smithnoel179@gmail.com

**Property Owner**

**Name:** Roman Catholic Bishop of Portland  
**Address:** 510 Ocean Ave. Portland Me  
**Zip Code** 04103  
**Work #:** 773-6471  
**Cell #:**  
**Fax #:**  
**Home #:**  
**Email:**

**Project Representative**

**Name:** Noel Smith  
**Address:** Same as above  
**Zip Code**  
**Work #:**  
**Cell #:** 577-2166  
**Fax #:**  
**Home #:**  
**Email:**

**Other professional representatives for the project (surveyors, engineers, etc.),**

**Name:**  
**Address:** 842 Old Danville Road Auburn  
**Zip Code** 04210  
**Work #:** 777-1150  
**Cell #:**  
**Fax #:**  
**Home #:**  
**Email:**

# PROJECT DATA

The following information is required where applicable, in order complete the application

## IMPERVIOUS SURFACE AREA/RATIO

Existing Total Impervious Area	<u>14833</u>	sq. ft.
Proposed Total Paved Area	<u>NA</u>	sq. ft.
Proposed Total Impervious Area	<u>NC</u>	sq. ft.
Proposed Impervious Net Change	<u>0</u>	sq. ft.
Impervious surface ratio existing	<u>62</u>	% of lot area
Impervious surface ratio proposed	<u>NC</u>	% of lot area

## BUILDING AREA/LOT COVERAGE

Existing Building Footprint	<u>8160</u>	sq. ft.
Proposed Building Footprint	<u>NC</u>	sq. ft.
Proposed Building Footprint Net change	<u>0</u>	sq. ft.
Existing Total Building Floor Area	<u>NC</u>	sq. ft.
Proposed Total Building Floor Area	<u>NC</u>	sq. ft.
Proposed Building Floor Area Net Change	<u>NA</u>	sq. ft.
New Building	<u>No</u>	(yes or no)
Building Area/Lot coverage existing	<u>34</u>	% of lot area
Building Area/Lot coverage proposed	<u>NC</u>	% of lot area

## ZONING

Existing	<u>MFU</u>
Proposed, if applicable	<u>NA</u>

## LAND USE

Existing	<u>Church</u>
Proposed	<u>TBD</u>

## RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units	<u>NA</u>
Proposed Number of Residential Units	<u>NA</u>
Subdivision, Proposed Number of Lots	<u>NA</u>

## PARKING SPACES

Existing Number of Parking Spaces	<u>NC</u>
Proposed Number of Parking Spaces	<u>NC</u>
Number of Handicapped Parking Spaces	<u>NC</u>
Proposed Total Parking Spaces	<u>NC</u>

## ESTIMATED COST OF PROJECT

<u>0</u>
----------

## DELEGATED REVIEW AUTHORITY CHECKLIST

### SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area	<u>NC</u>	sq. ft.
Proposed Disturbed Area	<u>NC</u>	sq. ft.
Proposed Impervious Area	<u>NC</u>	sq. ft.

- 1. If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.*
- 2. If the proposed impervious area is greater than one acre including any impervious area created since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.*
- 3. If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.*
- 4. If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.*

### TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing (Since July 1, 1997)	<u>NA</u>	passenger car equivalents (PCE)
--	-----------	---------------------------------

Total traffic estimated in the peak hour-proposed (Since July 1, 1997)	<u>NA</u>	passenger car equivalents (PCE)
If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.		

### Zoning Summary

1. Property is located in the MFU zoning district.
2. Parcel Area: .55 acres / 23895 square feet(sf).

<b>Regulations</b>	<u>Required/Allowed</u>	<u>Provided</u>
Min Lot Area	_____ / _____	
Street Frontage	_____ / _____	
Min Front Yard	_____ / _____	
Min Rear Yard	_____ / _____	
Min Side Yard	<u>15</u> / <u>6.5</u>	
Max. Building Height	_____ / _____	
Use Designation	_____ / _____	
Parking Requirement	1 space/ per _____ square feet of floor area	
Total Parking:	_____ / _____	
Overlay zoning districts (if any):	_____ / _____ / _____	
Urban impaired stream watershed?	YES/NO If yes, watershed name _____	

## **DEVELOPMENT REVIEW APPLICATION SUBMISSION**

### **Submissions shall include fifteen (15) complete packets containing the following materials:**

1. 5 Full size plans and 10 smaller (no larger than 11" x 17") plans containing the information found in the attached sample plan checklist.
2. Application form that is completed and signed by the property owner or designated representative.  
(NOTE: All applications will be reviewed by staff and any incomplete application will be not be accepted until all deficiencies are corrected.
3. Cover letter stating the nature of the project.
4. All written submittals including evidence of right, title and interest.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.

### **Refer to the application checklist for a detailed list of submittal requirements.**

L/A's development review process and requirements have been made similar for convenience and to encourage development. Each City's ordinances are available online at their prospective websites:

Auburn: [www.auburnmaine.org](http://www.auburnmaine.org) under City Departments/ Planning and Permitting/Land Use Division/Zoning Ordinance

Lewiston: <http://www.ci.lewiston.me.us/clerk/ordinances.htm> Refer to Appendix A of the Code of Ordinances

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the City's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

**This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.**

Signature of Applicant:	Date:
-------------------------	-------

## St. Louis Church

### Former and Future Community Asset

As so often the case, there has been much reminiscing and discussion about the history of St. Louis Church and its impact on the lives of so many in the past year, in particular after it was closed and scheduled for demolition in December, 2013. The presumed destruction of this significant building, following in the footsteps of so many other churches, Catholic and Protestant, in the Twin Cities, appeared inevitable. The removal of the four Piccard factory bells, donated by members of the parish, from the bell tower late that year seemed to encapsulate the personal, yet also public, potential loss to the community.

The parish, founded in 1902, opened this beautiful church, designed by noted Boston architect, Timothy G. O'Connell, who also designed St. Mary's in the Little Canada section of Lewiston, in 1915, crowning a hill at the center of the New Auburn community. The St. Louis bell tower was visible from many parts of Auburn and Lewiston, and its Piccard bells were heard far beyond the streets surrounding the church. The parish church and the community hall (which also served as a school cafeteria) in the basement, the school and the convent, were integral to the spiritual, educational and social life of the surrounding area. However, with the decline in churchgoing throughout the United States, leading to consolidation of parishes, and a congregation which was growing older, and smaller in numbers as people moved to the outlying countryside, there were declining funds to support the building. The Parish of the Immaculate Heart, to which St. Louis belonged, faced what they considered as an inevitable decision to close the structure—a decision which was met with concern and sadness.

In November and December 2013, a group of individuals interested in preserving the church building for its architectural and cultural significance met with members of the parish council and representatives of the diocese to discuss postponing the demolition. The Parish agreed to keep the church heated and maintained at a basic level through the winter, to allow time for any interested parties to step forward. By May of 2014, a potential buyer failed to meet deadlines the parish had established, and demolition of the church again appeared certain. However, at that point another group formed, and began to work with the parish and the diocese to develop a plan for them to assume responsibility for purchasing and maintaining the building.

New Auburn, which has numerous long-established community businesses, is showing welcome signs of redevelopment, with private investment, and new businesses, as well as proposed city projects along the riverfront and business district, with new streets and infrastructure improvements. There has also been a long hoped - for revitalization of a residential component in New Auburn as well, returning it to the vibrant, desirable neighborhood it was in the past



when St. Louis was at its heart. So it seems logical that this noble structure could play an important part in directing and energizing this new neighborhood and community.

Because the parish is no longer capable of maintaining or redeveloping this property, its choices are selling the assets, like the Piccard Bells, and demolishing the structure, or selling the building to someone who will give it new life. For a sale to be completed, granting of this Special Exception and Variance is a necessary step. Without it, the building will be demolished.

In my opinion this request complies with Sec. 60-1277 Objectives:

1. Preserving this asset will protect the detrimental and offensive act of demolishing it;
2. Preserving this asset will not affect vehicular or pedestrian safety;
3. Preserving this asset will avoid the creation of massive amounts of waste (existing now as high quality building materials - brick, slate, copper, terrazzo, stained glass, beautiful woodwork, etc.);
4. What better way to protect the environment than not destroying all the imbedded energy stored in this edifice;

I believe it also complies Division 3. Special Exception Sec. 60-1336. Conditions:

1. Parcel 221-196, where the church is located, is in the Multi-Family Urban zone. Churches are allowed as a special exception, although in the future, it will not be a church. Other presently allowed exceptions (potential future uses) are schools, libraries and museums; but I believe types of uses allowed will need to be expanded in order for this building to reach its full potential as an energizer of a new livable neighborhood;
2. No hazards will be created with this exception. More would be created with demolition;
3. This exception will neither block nor hamper master planning of circulation or the acquisition of public or semi-public lands. Future use of this building and parcel could be a major part of a new master plan;
4. Granting this exception will have no effect on the essential characteristic of the neighborhood. Demolition of the building would be the biggest change in 100 years;
5. Granting this special exception will result in no changes to the land use of the parcel;
6. Granting this exception will not affect the stringent standards imposed by other codes.
7. No additional city services will be required if this exception is approved. Granting this exception could have a major positive impact on future master planning of New Auburn.

I believe the request for a Special Exception and Variance does more than preserve a landmark building from demolition. I believe it also presents an extraordinary opportunity to begin a development process that will help create a special and vibrant neighborhood that will be an exceptional place to live; a unique urban space, growing around this beautiful building. There are other churches in Lewiston and Auburn, used, abandoned, re-purposed and gone. In my

opinion none are or were as well - positioned to positively affect the neighborhoods in which they exist as St. Louis. It is a special building with a unique combination of attributes and an ideal setting to allow the development of a truly exciting multi-function neighborhood core. This variance will be a small but important first step in a project that will be developed with the public interest at heart. I believe that is in the best interests of everyone.

Noel Smith, President  
Studio A Architecture

ROBINSON  
KRIGER &  
MCCALLUM  
ATTORNEYS AT LAW

TWELVE PORTLAND PIER  
PORTLAND, MAINE 04101-4713

TELEPHONE (207) 772-6565  
FACSIMILE (207) 773-5001  
E-MAIL tkelly@rkmlegal.com

DOUGLAS J. ALOPS  
RICHARD D. BAYER  
CARA L. BIDDINGS  
MARIANNA FENTON HIBBARD  
JAMES C. HUNT  
HUMPHREY H. N. JOHNSON  
THOMAS R. KELLY  
JOHN M. MCCALLUM  
ALAN R. NYE  
THOMAS QUARTARARO  
KAITLIN G. ROY  
TIMOTHY J. WANNENMACHER  
JEFFREY B. WILSON.

FOUNDERS

JAMES S. KRIGER  
ROBERT C. ROBINSON

October 24, 2014

Robert Boyer, Chair  
Auburn Planning Board  
Auburn City Hall  
60 Court Street  
Auburn, Maine 04210

**St. Louis church**

Dear Mr. Boyer:

Below is the signature for the Roman Catholic Bishop of Portland ("Bishop"), a corporation sole, concurring in this letter. The Bishop is the legal owner of the St. Louis church complex at 2<sup>nd</sup>, 3<sup>rd</sup> and Dunn Street.

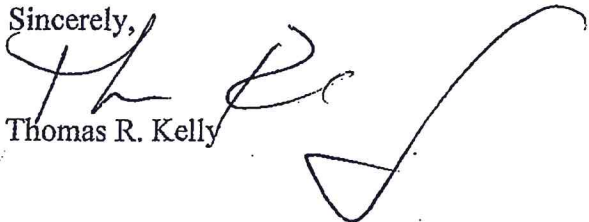
The Bishop concurs in and joins the application of Pilotage LLC to the City of Auburn, to vary or waive or otherwise address to the Bishop's satisfaction zoning standards such as lot line set-backs, so as to permit division of the St. Louis Complex on the division line attached as Exhibit A, in anticipation of conveyance of the 3<sup>rd</sup> Street side (the side with the church building) of the complex to Pilotage LLC. The Bishop and Pilotage have entered into a contract, under which the City's final approval of the proposed lot line division is a condition of conveyance. The contract provides that the Bishop "may join in any such application for approval to the extent it deems the same appropriate."

We do not anticipate that the Bishop in this application will take any position differing from that of Pilotage or withdraw the Bishop's concurrence; however should such arise, we will so advise the City. We anticipate that Ashley O'Brien, Business Manager for the parish, will attend the Planning Board meeting.

Robert Boyer  
October 24, 2014  
Page 2


If you have any questions, kindly give me a call.

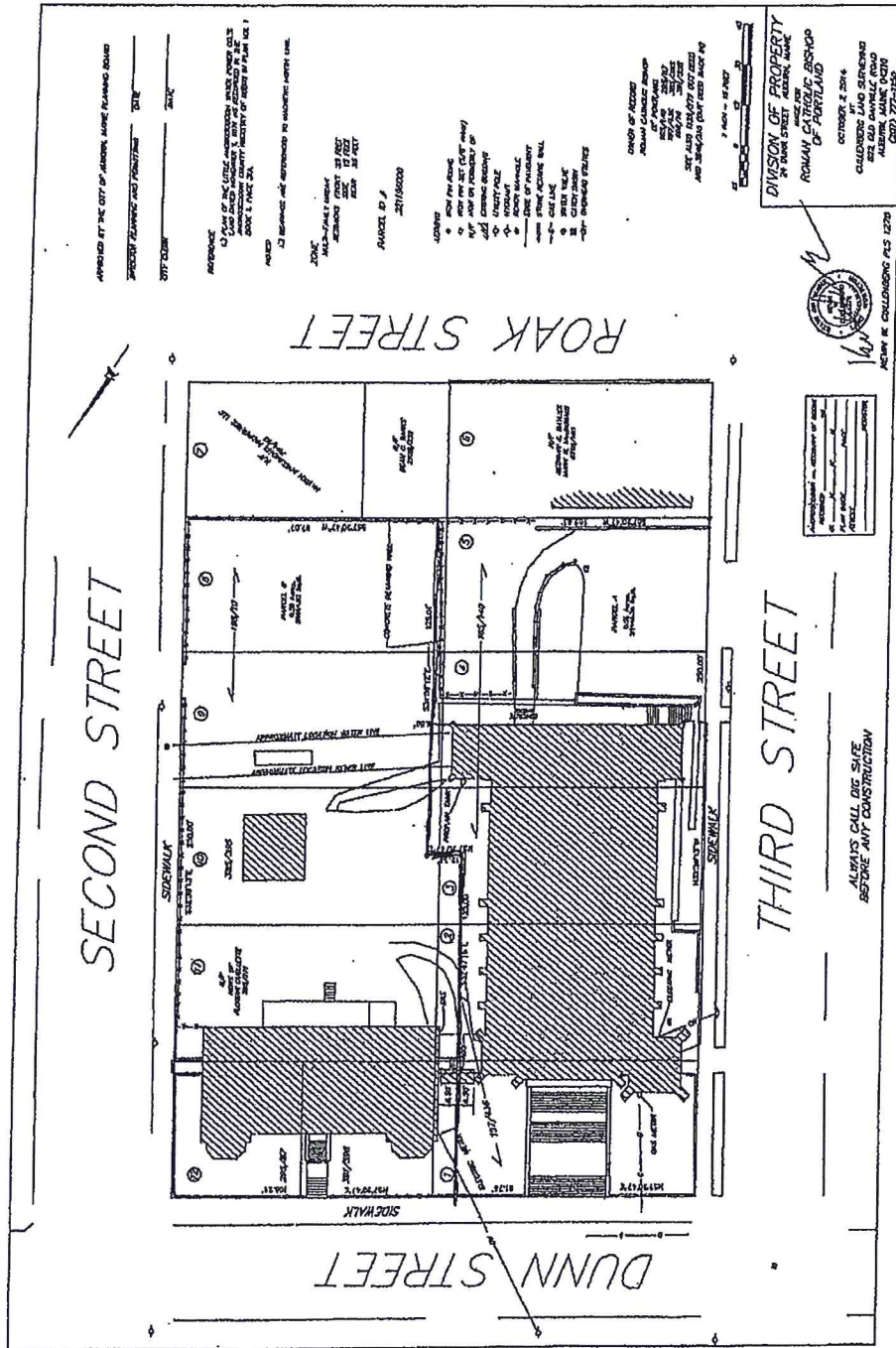
Sincerely,

  
Thomas R. Kelly

TRK:smh

Seen and agreed:

 On behalf of the Roman Catholic Bishop of Portland, corporation sole



Robert Boyer  
October 24, 2014  
Page 3

Exhibit A (next page)

# 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: Special Exception, Site Plan Review and Variance Request for St. Louis Church,  
located at 24 Dunn Street.

Date: November 13, 2104

- I. PROPOSAL- Studio A Architecture, an agent for the Roman Catholic Bishop of Portland is seeking approval of a Special Exception and Site Plan Review application to revise lotting and associated variance request of a side yard setback for the St. Louis Church property at 24 Dunn Street, pursuant to Chapter 60, Sections 60-1301; 60-1312 and 60-1336 of the City of Auburn Ordinances.

The St. Louis Church in New Auburn has been an important part of the community since opening its doors in 1902. It survived the great fire of New Auburn in the 30's and has long served the spiritual and material needs of its congregation and neighborhood. Today, however, it is threatened with demolition as it can no longer sustain itself as a church.

The primary purpose of this application is split the current lot that has a convent and church on it into separate lots. In order to do that a variance is needed to allow the buildings to remain closer than the current zoning allows. After working with the Planning Staff, it was determined the best approach to take would be to bring the request before the Planning Board using a Special Exception and Site Plan Review. Churches are a Special Exception in the Multi-Family Urban zone. The waiting buyers want to save the church for some kind of mixed use that is yet undetermined. Through a process of open meetings and public input, it is hoped that a feasible plan can be developed that will allow the church to continue to serve the area but in a different way. Once a new proposal has been created, it will come back to the Planning Board for approval.

ZONING- The current zoning of the property is Multi-Family Urban. Normally, the side yard setback is 15 feet from the property line. The current buildings are approximately 15 feet apart. Currently a breezeway and roof connect the two buildings.

## II. DEPARTMENT REVIEW-

- a. Police- No Comment

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

III. PLANNING BOARD ACTION- The Planning Board is being asked to review the submitted plan as a Special Exception and Site Plan Review. Because there is no change in use as part of this proposal, the staff will not go through a detailed review.

- A. SITE PLAN REVIEW- In considering a site plan, the planning board shall make findings that the development meets the objectives of Sec. 60-1277 Site Plan Objectives:
  - (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;
  - (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
  - (3) Adequacy of the methods of disposal for wastes; and
  - (4) Protection of environment features on the site and in adjacent areas.

There are no material changes to the site except the removal of a breezeway in the area of the variance request so, in the staff's opinion, the application meets the objectives of Section 60-1277, Site Plan Law.

- B. SPECIAL EXCEPTION- The following conditions should be met in order for the Planning Board to approve the Special Exception as per Section 60-1336 Special Exception, Conditions.
  - (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. (Subject to Variance approval)
  - (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
  - (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.
  - (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.
  - (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.
  - (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.



- (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.

The staff agrees that the application meets the conditions of Section 60-1336, Special Exception, subject to the Variance approval by the Planning Board. Note condition 4 especially is relevant to this application, as preserving the St. Louis Church will protect the essential character of the neighborhood.

C. VARIANCE REQUEST- The Site Plan Law in Section 60-1312 Review of planning board needed for variance states:

*For those developments subject to site plan review (Division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in Division 2 of article XVI (Site Plan Law) of this chapter.*

The staff feels that the granting the variance request to allow the side yard setback to go from 15 feet to 6 ½ feet will not hamper the development from meeting the objectives of Section 60-1277.

IV. STAFF RECOMMENDATION-

The staff is pleased to see an opportunity to save an iconic part of New Auburn's heart and soul. Our recommendation is not based on emotion however, and the applicant must meet the intent of the law. We do find that the application for the St. Louis Church meets the objectives of the Site Plan Law, Section 60-1277 and meets the conditions of the Special Exception Law, Section 1336, and recommend APPROVAL, subject to the Variance approval. The staff also recommends APPROVAL of the Variance request to reduce the side yard setback from 15 feet to 6 ½ feet by the findings that:

1. Granting the variance request to allow the side yard setback to go from 15 feet to 6 ½ feet will not hamper the development from meeting the objectives of Section 60-1277.
2. Granting the waiver will help protect and preserve the essential character of the neighborhood.

V. CONDITIONS OF APPROVAL:

1. Prior to any change of use, the applicant and/or owner of the St. Louis Church will come back before the Planning Board for a Special Exception and Site Plan approval.

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

# SECOND STREET

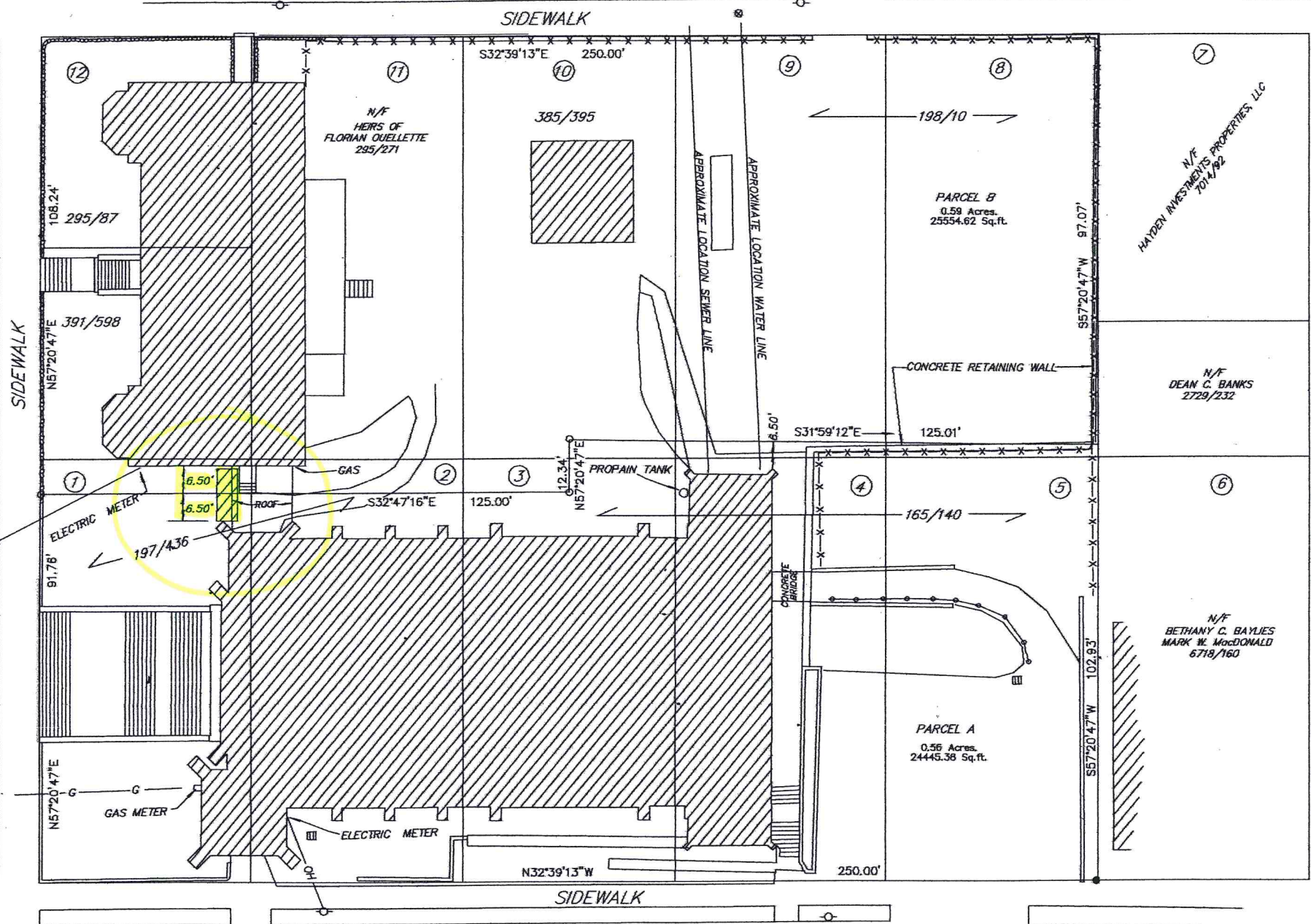
APPROVED BY THE CITY OF AUBURN, MAINE PLANNING BOARD

DIRECTOR PLANNING AND PERMITTING \_\_\_\_\_ DATE \_\_\_\_\_

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DUNN STREET

ROAK STREET



**REFERENCE**  
 1.) PLAN OF THE LITTLE ANDROSCOGGIN WATER POWER CO.'S LAND DATED NOVEMBER 1, 1871 AS RECORDED IN THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN PLAN VOL. 1 BOOK 1. PAGE 31A.

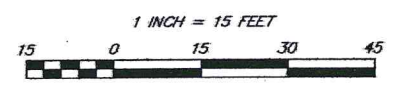
**NOTES**  
 1.) BEARINGS ARE REFERENCED TO MAGNETIC NORTH 1991.

**ZONE**  
 MULTI-FAMILY URBAN  
 SETBACKS FRONT 25 FEET  
 SIDE 15 FEET  
 REAR 25 FEET

**PARCEL ID #**  
 221196000

- LEGEND**
- IRON PIN FOUND
  - IRON PIN SET (5/8" rebar)
  - N/F NOW OR FORMERLY OF
  - ▨ EXISTING BUILDING
  - UTILITY POLE
  - HYDRANT
  - SEWER MANHOLE
  - EDGE OF PAVEMENT
  - STONE RETAINING WALL
  - GAS LINE
  - WATER VALVE
  - ▭ CATCH BASIN
  - OH— OVERHEAD UTILITIES

**OWNER OF RECORD**  
 ROMAN CATHOLIC BISHOP  
 OF PORTLAND  
 165/140 295/87  
 197/436 385/395  
 198/10 391/598  
 SEE ALSO 1128/277 OUT DEED  
 AND 3846/210 (OUT DEED BACK IN)



# THIRD STREET

ALWAYS CALL DIG SAFE  
 BEFORE ANY CONSTRUCTION

ANDROSCOGGIN ss. REGISTRY OF DEEDS  
 RECEIVED \_\_\_\_\_, 20\_\_\_\_  
 at \_\_\_\_\_ M \_\_\_\_\_ M \_\_\_\_\_  
 PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST \_\_\_\_\_ REGISTER \_\_\_\_\_



KEVIN W. CULLENBERG PLS 1278

**DIVISION OF PROPERTY**  
 24 DUNN STREET AUBURN, MAINE  
 MADE FOR  
 ROMAN CATHOLIC BISHOP  
 OF PORTLAND  
 OCTOBER 2 2014  
 BY  
 CULLENBERG LAND SURVEYING  
 892 OLD DANVILLE ROAD  
 AUBURN, MAINE 04210  
 (207) 777-1150