



# **AUBURN PLANNING BOARD MEETING**

**April 8, 2014**

## **Agenda**

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

### **ROLL CALL**

### **MINUTES:**

Approval request of the March 11, 2014 Meeting Minutes.

### **PUBLIC HEARINGS:**

- 1) 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.
- 2) Harriman Associates, an agent for Central Maine Community College, is seeking a Site Plan and Special Exception approval to construct a New Academic Building at 1250 Turner Road (PID # 299-003), pursuant to Chapter 60, Sections 60-255 (b) (1) and 60-229 (b),(13) and 60-1301 and 60-1336 of the City of Auburn Ordinances.
- 3) Northeast Civil Solutions, Inc., an agent for Dollar General Retail Store, is seeking a Site Plan and Special Exception approval to construct a Retail Store at 807 Minot Avenue, (PID # 208-024), pursuant to Chapter 60, Sections 60-525 (b),(14); 60-1301 and 60-1336 of the City of Auburn Ordinances.
- 4) Amendments to the 2010 Comprehensive Plan to ensure that any plans for locating passenger rail service in Auburn prioritize Downtown Auburn over any previous locations and seek a recommendation from the Planning Board that will be forwarded to the City Council.
- 5) A proposed zoning map amendment from General Business Zoning District to Central Business District for properties located at 178 Court St. (240-264), 184 Court St. (240-265), 62 Spring St. (240-257), 71 Spring St. (240-263), 88 Spring St. (240-258), 95 Spring St. (240-262), 75 Pleasant St. (240-253) and 83 Pleasant St. (240-252).

### **OLD BUSINESS:**

### **MISCELLANEOUS:**

- 1) Required notice to the Planning Board of a petition to vacate Foss Street by the developers of the Family Dollar Store at 850 Minot Avenue.

### **ADJOURNMENT**

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### **PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

From: Douglas M. Greene, City Planner

Re: New Academic Building at Central Maine Community College

Date: April 8, 2014

#### I. PROPOSAL:

Harriman Associates, an agent for Central Maine Community College (CMCC), is seeking a Site Plan and Special Exception approval to construct a New Academic Building at 1250 Turner Road (PID # 299-003), pursuant to Chapter 60, Sections 60-255 (b) (1) and 60-229 (b),(13) and 60-1301 and 60-1336 of the City of Auburn Ordinances.

CMCC is proposing to construct a new 4 story building with a 6,230 s.f. footprint and 23,254 s.f. of total building area. Also included in the proposal are a small 50 seat amphitheater, new walkways and an 11 space parking area. The Community College is not creating new classrooms, but is moving existing classroom space to the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors and adding new administrative office space on the 1<sup>st</sup> floor. The new construction will create a small increase in impervious area from 806,350 s.f. to 816,450 s.f.; an increase of 0.18%.

As CMCC has grown, different phases of development reached the size and threshold of development that triggered State review of Traffic, Site Planning and Storm Water Permitting. However, this development proposal is not attracting new students, more cars and, as mentioned earlier, is not creating a significant amount of new impervious area. The City of Auburn, on behalf of CMCC, requested the State Department of Environmental Protection allow the City to be delegated the local review authority. This request was granted by the State in a letter dated March 20, 2014 from Daniel Courtemanch of DEP.

The applicant, CMCC has also requested 3 waivers. One is to the Planning Board for a waiver of the allowable height of the building in the Suburban Residential zone. The current maximum height in that zone is 35 feet or 2 ½ stories and the new building is proposed to be 75 feet tall. The other two waiver requests are directed to the City Engineer. One is for a waiver of a Traffic Impact Study; due to the minimal increase in students and traffic and the other for a waiver of bonding and inspection fees.

II. DEPARTMENT REVIEW-  
Police- No Comments.

Fire Department- Comments from the Auburn Fire Department are pending

Auburn Water and Sewer District- In a 3/25/14 memo, the Auburn Water and Sewer, questions were raised regarding capacity of storm water piping, requirements for new water meters and fee schedules.

Engineering- The applicant has requested a waiver to the Site Plan Review requirement of a full traffic study. Based on the anticipated negligible traffic impacts of this project a waiver has been granted.

The applicant has provided storm water management and erosion control plans that address the DEP Chapter 500 and 502 rules for a Site Location of Development Amendment.

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. Due to the State funding requirements for bonding CMCC has historically requested, and been granted, a waiver to our bonding and inspection fee requirements. The applicant should seek a waiver from the City Manager.

Planning- At preliminary review meetings the following issues were discussed: *(response to the issues is in italics and parenthesis)*

- The proposed development's impact on the Lake Auburn Watershed. *(The project area is not in the Lake Auburn Watershed and will not require a Phosphorus Control Plan)*
- The proposed development's impact on, traffic. *(The new development will not generate new student population or new trips)*
- The proposed development's impact on parking. *(The new development will not generate new student population or new trips. 12 additional parking spaces are proposed as well)*
- State DEP review of storm water and site law. *(The State DEP has approved the delegated local review of the project to the City of Auburn)*
- The proposed project's building height. *(The new building is proposed to be 65' tall and will require a waiver by the Planning Board. This issue will be addressed in the STAFF RECOMMENDATIONS.)*
- Access to the rear of the building by fire trucks. *(CMCC has modified the plan to allow access by fire trucks to the rear of the building to the satisfaction of the Fire Department.)*

III. PLANNING BOARD ACTIONS- The Planning Board will need to take action on a Waiver Request, a Site Plan Review and a Special Exception request



## **A. Waiver Requests-**

1. Waiver of Building Height- The applicant is seeking a waiver to increase the 35' maximum building height in the Suburban Residential zone to 75' to allow for a four story building. The justifications for the waiver from the applicant are:

- The proposed building height will help define the new entry focal point for visitors upon arrival at the College.
- There is already a provision in the Suburban Residential zone for accessory building to be up to 65' in height as long as setbacks are increased by a foot for each foot of height over 35'. The proposed building is 350' from the nearest boundary.
- The proposed 75' tall building is not in the sight line of any neighbors.

The Planning Board should evaluate the waiver request based on how it meets (A) the purpose and (B) objectives of the Site Plan Review Law and to include findings justifying the decision. The applicant discusses the waiver request in more detail on page 4 of the application.

### ***“Site Plan Review Law-***

#### ***A. Sec. 60-1276. Purpose.***

*The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.”*

Will granting the waiver (Increasing the building height from 35' to 75') cause the design and layout of the project to be detrimental to the city, neighborhood or environment?

**Staff Opinion- “NO”**

#### ***B. 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;*
- (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 environmental features on the site and in adjacent areas.*

Will granting the height waiver meet the 4 Objectives of the Site Plan Review Law? **Staff Opinion- “YES”**

2. Waiver of Traffic Impact Study- This waiver is under the jurisdiction of the Engineering Department and has been approved.

3. Waiver of Bonding and Inspection Fees- This waiver has been granted in the past by and will need to be approved by the City Manager.



**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)

*(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 Suburban Residential zoning district, which lists "Schools" as a special exception (carryover from Rural Residence Zone.) In addition, the proposed new building is over 5,000 square feet in size, which 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 with the exception that no development activity shall occur without 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.)

#### IV. STAFF RECOMMENDATION

A. **Waiver of Maximum Height-** The Staff recommends the Planning Board **APPROVE** the waiver request to increase the proposed building height from 35' to 75' as the request meets the purpose and objectives of the Site Plan Review Law (**Sec. 60-1276 and 1277**) based on the following findings:

- The proposed building height will help define the new entry focal point for visitors upon arrival at the College
- There is already a provision in the Suburban Residential zone for accessory building to be up to 65' in height as long as setbacks are increased by a foot for each foot of height over 35'. The proposed building is 350' from the nearest boundary.
- The proposed 75' tall building is not in the sight line of any neighbors.
- Granting the waiver of the building height from 35' to 75' will not cause the design and layout of the project to be detrimental to the city, neighborhood or environment.

B. **Site Plan Review-** The Staff recommends the Planning Board **APPROVE** the Site Plan Review for the proposed development of a new academic building at Central Maine Community College as the Site Plan meets the requirements of the Site Plan Law **Sec. 60-1277** based on the findings that:

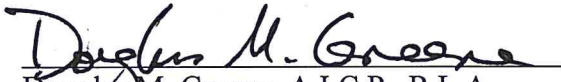
- The development has made provisions to protect adjacent areas against detrimental or offensive uses and will provide adequate surface water drainage and buffers against unwanted light, sound, dust and vibration and the preservation of light and air.
- The development has made provisions for safe vehicular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

C. **Special Exception-** The Staff recommends the Planning Board **APPROVE** the Special Exception for a new academic building at Central Maine Community College (school) as the application meets the requirements of **Special Exception Law, Section 60-1336** based on the findings that:

- The proposal fulfills the requirements of the Suburban Residential zone, with the exception of the building height, which is subject to a waiver approval.
- 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.
- 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.

The recommendation of **APPROVAL** for the Site Plan and Special Exception are made subject to the following conditions:

1. Approval by Auburn Fire Department of fire protection.
2. Approval by Auburn Water and Sewer District of storm water management, sanitary sewer and water utilities.
3. Approval of waiver request of bonding and inspection fees by the City Manager.

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



# City of Auburn, Maine

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## Office of Planning & Permitting



### STAFF REPORT

To: Auburn Planning Board

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

Re: Comprehensive Plan Amendments in Support of Downtown Passenger Rail Service

Date: April 8, 2014

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At its March 5, 2013 meeting, the City Council passed a resolution directing the Planning Staff to align its planning and policies of the city and partnering agencies to ensure that any plans for passenger rail involve locating in Auburn's downtown as a priority over any previous or alternative locations. A starting point in achieving that directive is amending the 2010 Comprehensive Plan to reflect that goal.

The City of Auburn's 2010 Comprehensive Plan is our community vision for the next 10 to 20 years. This plan took over 2 years to complete and is the product of many public input meetings, city staff and outside technical assistance. As thorough a process as that it was, changes in council policies can and do come up, which can trigger a need to revisit an issue

Such is the case of for where future passenger rail service should be located. Passenger rail service ended in Auburn many years ago and for the last 30 years, the City's Comprehensive Plans have recommended that if passenger rail service ever were to come back, its location and focus should be at the Lewiston-Auburn Airport. While the Airport does act as an inter-modal hub for air cargo and freight and is near the interstate, locating a station for passenger rail there may not provide the benefits that a Downtown location could provide. Making this change is also important as any future study on passenger rail, if funded by State or Federal Transportation agencies will focus on where our Comprehensive plan says it should be.

There is growing interest in bringing back passenger rail to Auburn for a Portland to Montreal connection and for an Auburn to Portland commuter rail service. The question before you is whether it makes sense to amend the Comprehensive Plan to change the recommended location for passenger rail from the Airport to Downtown. Why is Downtown the best location? While the Airport and Downtown both are feasible, there may be better options on how to make these

different connections work. A key point to consider in choosing a location for passenger rail is where would the greatest benefits be achieved?

Downtown has always been the traditional location for passenger rail. Today, there are different reasons and benefits of passenger rail service to Downtown.

- Downtown passenger rail is an important part of Transit Oriented Development, which could spur investment in housing and commercial projects.
- More people will be within easy walking or driving distance to a Downtown passenger rail station.
- A Downtown passenger rail station can coordinate with and accommodate other transit modes such as bike, pedestrian, auto and bus to create a diversity of transportation options.
- Taking cars off the road and the corresponding reduction in greenhouse gases.
- Passenger rail fits in nicely with the Auburn's renewed interest in a Downtown Revitalization Strategy.

The Staff recommends the Planning Board forward a **RECOMMENDATION OF APPROVAL** to the City council of the proposed amendments to the Comprehensive Plan as presented in your packet. These changes will support any future study to examine all possible passenger rail options and locations. There will need to be more work done in the future to analyze these potential options and determine where the actual best location for passenger rail might be located.



Douglas M. Greene, AICP, RLA  
City Planner

C: File

# City of Auburn, Maine

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## 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."

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



# City of Auburn, Maine

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## Office of Planning & Permitting

### **PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

From: Douglas M. Greene, City Planner

Re: Proposed Dollar General Store, 807 Minot Avenue

Date: April 8, 2014

- I. PROPOSAL- Northeast Civil Solutions, Inc., an agent for Dollar General Retail Store, is seeking a Site Plan Review and Special Exception approval to construct a 9,100 s.f. Retail Store at 807 Minot Avenue, (PID # 208-024), pursuant to Chapter 60, Sections 60-525 (b),(14); 60-1301 and 60-1336 of the City of Auburn Ordinances.

The property at 807 Minot Avenue is currently the site of an Agway Store, which is proposed to be torn down to make room for the new development. The property is zoned General Business II (Minot Avenue) Zone (GB II). Retail sales are a permitted use in the GBII zone, but new buildings over 5,000 square feet in size are a Special Exception so the applicant must seek approval from the Planning Board. Site Plan approval is also required for all Special Exceptions.

The property at 807 Minot Avenue is 4.06 acres in size, has an undevelopable area (wetlands) at the rear and will share an entrance and access drive on Minot Avenue with the Central Maine Hospital Clinic. A secondary access to the rear of the development will be from a shared entrance on Hotel Road. The parking requirement for a retail store is calculated at 1 space per 300 square feet of floor area. The 9,100 s.f. building will require 31 spaces and the developer is proposing 31 spaces.

## II. DEPARTMENT REVIEW

Police Department- No comments.

Fire Department- The applicant has satisfactorily worked through the distance of a fire hydrant from the property.

Water and Sewer- The Auburn Water and Sewerage Districts have reviewed the plans for the above referenced project and offer the following:

The plans indicate a new 1" water service. It is unclear if they intend to re-use the existing service, or re-tap the main in Minot Avenue. Our records indicate the existing water service is 3/4", and were installed in 1936. The new line will need a backflow preventer. We can work with the Contractor once construction is underway.

The existing home which will be demolished has a sewer connection to the manhole in Minot Avenue. We will require that the service be abandoned by plugging it in the manhole, and either removing it, or filling it with concrete slurry.

The developer should be made aware that the manhole they are connecting to (and the line from the manhole to the manhole in Minot Avenue) are private property and are not maintained by the Sewer District.

Engineering Department- 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.

Planning Department- The Planning Department, along with Gary Johnson, met with the developer's engineer in early January to discuss the development. The following issues were discussed:

- Location of new building and coordinated and connected development between this site and the Credit Union on Hotel Road and the Central Maine Health Clinic.
- Traffic- Access into and through the site. Shared access from Minot Ave and Hotel Road. Traffic counts were reported to be 65 trips at the peak hour, which is below the threshold for a DOT permit.
- Signage- Developer reported using a "monument" type sign along Minot Ave.
- Sanitary, Storm and Water connections.
- The building's appearance and design. The applicant's elevation drawings were reviewed and discussed at the January meeting. Changes were suggested by the staff.

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 Law 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;*
- (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.*

**SPECIAL EXCEPTION-** A Special Exception is defined in the Zoning Ordinance (Page 14) 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.” For this development application, the proposed new building is over 5,000 square feet in size and therefore is a Special Exception in the GBII zone.

The zoning ordinance describes the conditions needed for 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.*
- (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.*

**IV. STAFF RECOMMENDATION**

Through the course of the staff review, the applicant and its engineer have worked to make any requested corrections to the application. The one exception to this relates to the appearance of the building. At the January pre-application meeting, the proposed building elevation was discussed. There were concerns from city staff that the proposed building lacked façade articulation (lack of windows, building material, no pitched roof) and was very plain in appearance. The applicant’s representative said they would look at these concerns. A revised set of plans were submitted and an elevation drawing was included. The staff will discuss this with the Planning Board at the April 8 meeting.



**B. Site Plan Review-** The Staff recommends the Planning Board **APPROVE** the Site Plan Review for the proposed development of a new Dollar General Store at 807 Minot Avenue as the Site Plan 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.

**C. Special Exception-** The Staff recommends the Planning Board **APPROVE** the Special Exception for a new Dollar General Store at 807 Minot Avenue as the application meets the requirements of **Special Exception Law, Section 60-1336** based on the findings that:

- The proposal fulfills the requirements of the General Business II (Minot Avenue) 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.

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

1. The Planning Board's review and acceptance of the projects appearance, based on elevation drawings.
2. 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.
3. Approval by Auburn Fire Department
4. Approval by Auburn Water and Sewer District


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

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

To: Auburn Planning Board

From: Douglas M. Greene, City Planner 

Date: April 4, 2014

RE: Required Notice to Vacate Foss Street

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At the March 11 Planning Board meeting, one of the conditions of approval for the Family Dollar Store, located at 850 Minot Avenue included providing clear title to entire project area, including Foss Street (a paper street). The applicant Hunt Real Estate Services has been the formal process to vacating Foss Street. One of the required steps is to notify the Planning Board of the applicant's intention to do this.

Enclosed with this memo is the notice to vacate Foss Street, which will also be presented to the City Council for their action to move this process forward.

No action is required by the Planning Board on this matter, just the notification to you.



COUNTY OF ANDROSCOGGIN  
STATE OF MAINE

NOTICE

M.R. S. Title 23 §3027(1)

A petition has been filed with the municipal officers of the City of Auburn, Maine, to vacate the following way shown upon subdivision plans entitled "Plan of Foss Farm Lots", dated 1920 and recorded at the Androscoggin County Registry of Deeds in Volume 2, Book 4, Page 127 and the "Revised Plan of the Foss Farm, Auburn, Maine", dated June 1924 surveyed by Barron Brothers & True and recorded on October 3, 1941 in Book 7, Page 372.

"Foss Street" - See attached referenced subdivision plans.

If the municipal officers enter an order vacating this way any person claiming an interest in this way adverse to the claims of the petitioners must, within one (1) year of the recording of the order, file a written claim thereof under oath in the Androscoggin County Registry of Deeds and must, within one hundred eighty (180) days of the filing of the claim, commence an action in the Superior Court in Androscoggin County in accordance with the Revised Statutes Title 23, section 3027-A.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, Director of Planning and Permitting

Re: Zoning map amendment in the Spring Street area to make the Central Business II District Zoning Boundaries consistent with the Traditional Downtown Business (DTB) District boundaries identified in the Future Land Use Map from the Comprehensive Plan Auburn Tomorrow. The zoning change includes the properties located at 178 Court St. (240-264), 184 Court St. (240-265), 62 Spring St. (240-257), 71 Spring St. (240-263), 88 Spring St. (240-258), 95 Spring St. (240-262), 75 Pleasant St. (240-253) and 83 Pleasant St. (240-252).

Date: April 1, 2014

#### I. PROPOSAL

The comprehensive Plan recommends that the Spring Street area zoning be changed from General Business Zoning, a highway and vehicle oriented zoning district, to Central Business II (CBII), a more traditional downtown business district to allow for a development pattern that is consistent with the historic downtown. Currently, the General Business designation requires setbacks of 25 feet at the front and sides of a parcel and 35 feet at the rear of the lot. Residential density is restricted to a very low suburban density, for example, a four unit building would currently require a 16,000 square foot lot. The proposed CBII District would reduce setback requirements, allow for increased residential density and mixed use structures. The current zoning designation is inconsistent with the existing development patterns and the recommendations of the Comprehensive Plan.

In the surrounding downtown area a majority of our traditional downtown is located within the CB district. The Central Business district is consistent with the Comprehensive Plan DTB designation and allows for higher density of residential uses, use of shared and public parking for new development and reduced building setbacks. The comprehensive plan recommends that we not only allow buildings to be located close to the street to be consistent with existing development patterns in this area, but suggests that we require it. At this time, staff recommends that we adjust the zoning boundaries to include the Spring Street area which will allow for development to conform to existing development patterns. A more in depth process, with extensive public outreach and participation that considers changing the name and some of the standards of the CB district will follow this summer. This change is a step towards consistency with the plan. Below is the excerpt for the Comprehensive plan describing the Traditional Downtown Business District.



## **Traditional Downtown Business District (DTB)**

**Objective** – Maintain the character and overall development pattern of the historic downtown area while allowing for the creative use, reuse and redevelopment of property within the district (see Figures 2.3 and 2.4).

**Allowed Uses** – The following general types of uses should be allowed within the Traditional Downtown Business District:

- small to moderate size retail uses
- personal and business services
- restaurants and cafes
- office uses including business and professional offices
- hotel, motels, inns, and bed & breakfast establishments
- fully enclosed light manufacturing
- community services and facilities
- recreational facilities
- a wide range of residential uses including housing on the upper floors of mixed-use buildings and senior housing

**Development Standards** – The development standards in the Traditional Downtown Business District should require that alterations to existing buildings and new buildings maintain the established pattern of development, including the placement of the building on the lot. Where there is an established pattern with respect to the front setback of buildings, a new or altered building should be required to conform to the established pattern. Any area between the front of the building and the street should be required to be used for pedestrian purposes, including outdoor spaces; vehicle use should be prohibited. Parking should be required to be located at the side or rear of the building, but the minimum parking requirement should be reduced, and new or redeveloped properties should be allowed to count the use of shared or public parking to meet the standard.

Residential development and redevelopment should be allowed at a maximum density of 18-24 units per acre, with a provision that small units or units for the elderly be treated as a fraction of a unit based on the size of the unit or the number of bedrooms in the unit. The reuse/reconfiguration of the space within existing buildings for residential purposes should be allowed without consideration of the density/lot size requirements, provided that the building will be renovated, be compatible with the neighborhood, and meet the City's requirements for residential units including the provision of appropriate parking and green space. Buildings with both residential and nonresidential uses should be allowed to consider shared parking to meet their parking requirements.

Below is a list of the parcels affected by the proposed change. All of the developed parcels are nonconforming with respect to one or more dimensional standard including minimum lot size, residential density and setback requirements of the General Business zone and would become conforming , or at least more conforming, with the proposed map amendment.

Location	Owner Name	Owner City	State	Land Use
178 COURT ST	FIRST STATES INVESTORS 5200 LL	FORT WORTH	TX	Pers/Prof Service
71 SPRING ST	HERITAGE COURT INC	LEWISTON	ME	Multi-Family (43)
95 SPRING ST	ANALYTICAL SERVICES INC	PORTLAND	ME	Retail Food

184 COURT ST	FIRST STATES INVESTORS 5200 LL	FORT WORTH	TX	Commercial Parking/ATM
75 PLEASANT ST	VERRILL BERYL RAE	AUBURN	ME	Multi-Family (8)
83 PLEASANT ST	83 REALTY LLC	AUBURN	ME	Office
88 SPRING ST	ANALYTICAL SERVICES INC	PORTLAND	ME	Commercial Parking
62 SPRING ST	LYNCH BROTHERS INC	AUBURN	ME	Mixed Use

It should be noted that property and development value in this neighborhood is higher than average for the City and increased development that would be allowed pursuant to the change would help increase that value further. Services can easily be provided efficiently to the urban core of the City and

Location	Total Value	Total Acres	Avg Value Per Acre
178 COURT ST	952000	0.54	\$ 1,762,963
71 SPRING ST	1962300	0.5	\$ 3,924,600
95 SPRING ST	2996800	3.47	\$ 863,631
184 COURT ST	114900	0.33	\$ 348,182
75 PLEASANT ST	233600	0.15	\$ 1,557,333
83 PLEASANT ST	444300	0.42	\$ 1,057,857
88 SPRING ST	120700	0.41	\$ 294,390
62 SPRING ST	495100	0.81	\$ 611,235

development here should be encouraged as the Comprehensive Plan recommends. Above is a chart showing average existing development value per acre including assessed building value for the affected properties. These are current assessed values and as noted above, the change would allow for more intensive and pedestrian friendly development that would likely increase values over time as we have seen in the existing Central Business District.

## II. PLANNING FINDINGS / CONSIDERATIONS:

Staff evaluated the proposed rezoning and suggests the following findings:

- A. The City's Future Land Use Map shows the area as "Traditional Downtown Business District". The Central Business District II zoning designation is consistent with the future land use map DTB district and existing zoning along Court Street.
- B. The proposed amendment to the zoning map is consistent with the Comprehensive Plan.

## III. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council on the proposed zoning map amendment from General Business Zoning District to Central Business District for properties located at 178 Court St. (240-264), 184 Court St. (240-265), 62 Spring St. (240-257), 71 Spring St. (240-263), 88 Spring St. (240-258), 95 Spring St. (240-262), 75 Pleasant St. (240-253) and 83 Pleasant St. (240-252), based on the above findings.

Eric Cousens  
Director of Planning and Permitting