

# 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: Wolf PackFitness, Special Exception and Site Plan Review at 423 East Waterman Road.

Date: November 10, 2015

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- I. PROPOSAL- Michael Gotto, an agent for WolfPack Fitness, is seeking approval of a Special Exception and Site Plan Review application for the Recreational Use of Land in the Agricultural and Resource Protection zone for a property located at 432 East Waterman Road, pursuant to Sec. 60- 145 (b), 5; Sec. (Special Exception in Ag Zone); Section 60-1277 (Site Plan Review) and Sec. 60- 1336 (Special Exception).

Luke Robinson, owner of WolfPack Fitness, was granted a home occupation for personal training a couple of years ago. His business has been successful and he now wants to expand the business as a recreational use in the Ag Zone. Recreational Use in the Ag Zone is a Special Exception and Site Plan review, which is the reason for his application. In order to accommodate the customer demand, he proposing to add additional gravel parking on an adjacent field owned by William and Patricia Carson who have agreed to a 5 year lease (attached) for the parking area on their property. A port-a-potty will be used for sanitary facilities and customers bring their own water.

As a result of the plan review process and associated revisions, the applicant is proposing to expand his business in 2 phases. The first phase would create an additional parking area with 17 spaces, along with 11 customer spaces along the driveway on 432 East Waterman Road. Phase 1 proposes to operate Wolfpack Fitness entirely as an outdoor fitness and recreational use. Phase two would allow the fitness activity to be inside a barn, once the barn meets state and local fire and building code standards.

THE SITE- The property at 432 East Waterman Road is 2 acres in size and is located near the end of East Waterman Road, with the Androscoggin River on the east side. The property does not have direct access to East Waterman Road and uses a driveway through 464 East Waterman Drive for access. The very end of East Waterman Road is used as a carry-in boat launch to the Androscoggin River.

II. DEPARTMENT REVIEW- The following departments comments were received:

- a. Police- Their main concern was to not allow any parking within the East Waterman Road right-of way by WolfPack customers.
- b. Auburn Water and Sewer- No Comments.
- c. Fire Department- The Fire Department expressed 2 main concerns:
  - A 12 foot wide access to the residence and barn must be maintained year round. (to be a condition of approval)
  - Prior to the barn being used for indoor fitness activity by customers in Phase 2, it will need to meet state and local building and fire code. (to be condition of approval)
- d. Engineering- Engineering reviewed and commented on:
  - The use of gravel instead of pavement for the proposed parking area. The Engineering Department has agreed to allow reclaimed asphalt for the proposed parking area as per Section 60-607, 12.

*(12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:*

    - a. *All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.*
  - That proper erosion control measures are followed during the parking area construction, and that the surface is maintained to prevent rutting and erosion.
  - The proposed gravel parking lot's proximity to the 75' Shoreland Zone protection area of the Androscoggin River. The parking area is outside of the Shoreland Zone 75' buffer.
- e. Public Services- Public Services wants to be sure that the driveway has the proper grades and draining, and there are no objects in the ROW that may be detrimental to plowing operations.
- f. Code and Building Enforcement- Code and Building Enforcement repeated the need for a 12 foot wide, clear driveway for fire equipment access. Phase 2 will require the barn be brought up to code prior to being used for commercial indoor recreational activity.
- g. Planning and Development- Planning and Development worked with the applicant on the following items:
  - After review of the application, the staff feel it meets the definition of Recreational Use as defined in the Zoning Ordinance Sec. 60-2

*"Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year."*

- Revise the site plan to include all elements of the proposals from both properties on one plan.
- Revise the letter of agreement from the Carson's to replace the term "grass parking area" to "gravel parking area". (Done)
- Arrive at a suitable number of parking spaces, located so that they will not hinder the movement of emergency and fire vehicles. (Done)

III. PLANNING BOARD ACTION- Note: Staff comments regarding the elements for approval are (in **bold print** and parenthesis).

A. SPECIAL EXCEPTION- The Planning Board is asked to consider if the application for a Recreational Use in the Agricultural and Resource Protection Zone meets the criteria for a Special Exception *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- Application meets criteria # 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- The applicant meets the requirements set by the Fire, Police and Public Services Departments)*

*(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- Application meets criteria # 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- If the applicant agrees to the requested conditions, it will meet criteria # 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- Application has provided all the elements contained in criteria # 5)*

*(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- If the applicant agrees to the requested conditions, it will meet criteria # 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- No additional city services will be required for the Recreation Activity so the Applicant meets criteria # 7)*

B. SITE PLAN REVIEW- The Planning Board is asked to consider if the site plan for WolfPack Fitness, meets the objectives for Site Plan Law, **Sec. 60-1277. Objectives-** “*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- Objective # 1 is met)**

(2) *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;* **(Staff Comment- Objective # 2 is met)**

(3) *Adequacy of the methods of disposal for wastes; and* **(Staff Comment- Objective # 3 is met)**

(4) *Protection of environment features on the site and in adjacent areas.* **(Staff Comment- Objective # 4 is met)**

1. STAFF RECOMMENDATION-

Based on Departmental review, meetings with the applicant and revisions to the application and site plan, the staff offers the following recommendations:

A. Special Exception- The Staff recommends the Planning Board approve the Special Exception application for a Recreational Use by WolfPack Fitness, located 432 East Waterman Road. The Staff agrees the applicant has demonstrated that the proposal for WolfPack Fitness meets the definition of a recreational use (see staff report section II, g, and further meets the conditions of Sec. 60-1336 Special Exception, as stated in the staff report Section III- A.

B. Site Plan Review- The Staff recommends the Planning Board approve the Site Plan for WolfPack Fitness as it meets the objectives for Site Plan Law, Sec. 60-1277. Objectives as stated in the staff report Section III, B.

C. Conditions of Approval- The Staff recommends these approvals subject to the following conditions and shown on the Site Plan:

1. No vehicles associated with WolfPack Fitness shall be parked in the East Waterman Road right of way.
2. The accessory parking area on the Carson Property shall be graveled within 30 days of the approval by the Planning Board and a final surface of reclaimed asphalt shall be applied by June 30, 2016.
3. Proper erosion control measures shall be followed during the parking area construction, and that the surface is maintained to prevent rutting and erosion.
4. The driveway to the residence at 432 East Waterman Road shall be a minimum 12 feet wide and kept clear 12 months a year.
5. No recreational activity shall take place in the barn at 432 East Waterman unless it meets state and local fire and building code.

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City Planner