



## City of Auburn, Maine

Office Economic and Community Development

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street

Auburn, Maine 04210

207.333.6601

### PLANNING BOARD AGENDA

Auburn City Hall, Council Chambers 2<sup>nd</sup> Floor

Tuesday, August 9, 2016 - 6:00PM

1. **ROLL CALL:**
2. **MINUTES:** Approval request for the minutes from the June 14, 2016 meeting.
3. **NEW BUSINESS and PUBLIC HEARING:**
  - A. Special Exception and Site Plan Review for an 8,400 sf commercial building and drive through restaurant located at 410 Center Street, 10 Blackmer Street and 19 West Dartmouth Street submitted by R & D Resources, LLD
  - B. Special Exception and Site Plan Review for an auto sales and service facility at 204 Minot Avenue for Phase 2 and Amended Phase 1 of Vallaries Auto Sales.
  - C. A Special Exception and Site Plan Review for a 39,152 sf, mixed use building on a property located at 62 Spring Street by the Auburn Housing Development Corporation.
  - D. The Auburn City Council has initiated a zoning map amendment for properties along Pownal Road. The Properties include: a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001.
  - E. The Auburn Planning Board has initiated a zoning map amendment in Colonial Ridge PUD for a .81 acre area of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District.
  - F. Reggie Bouffard, Home Builder, is seeking approval of a 2 lot subdivision located at Woodbury Road (PID # 110-008)
4. **OLD BUSINESS:**
  - A. Staff discussion of the Adaptive Re-Use Ordinance.
5. **MISCELLANEOUS:**
6. **PUBLIC COMMENT:**
7. **AJOURNMENT:**

Next Planning Board Meeting is on September 13, 2016

# **Auburn Planning Board Meeting Minutes June 14, 2016**

## **ROLL CALL:**

**Regular Members present:** Mia Poliquin-Pross, Robert Bowyer, Ken Bellefleur Presiding, Marc Tardif, Dan Philbrick, Samuel Scogin and Evan Cyr.

**Regular Members absent:** None

**Associate Members present:** Elaine Wickman and Nathan Hamlyn

**Associate Members absent:** None

**Also present representing City staff:** Douglas Greene, City Planner

Chairperson Bellefleur called the meeting to order and introduced the newest member of the Planning Board, Samuel Scogin. He stated any action on the minutes would be moved to the end of the meeting.

## **PUBLIC HEARINGS & NEW BUSINESS:**

**A. George Bouchles, an agent for, is seeking approval of a Site Plan Review application to construct a 2,400 sf commercial building at a property located at 411 Center Street (PID #271-064) pursuant to Section 60-1277 (Site Plan Review), 60-1278 (2) (Applicability) and, Section 60- 1312 (Review of Planning Board Needed for Variance) of the Auburn Code of Ordinances.**

Douglas presented the staff report via Power Point.

**(10:30 on DVD)**

George Bouchles, agent for PDB Rancourt Realty, LLC, spoke about the proposal and answered questions from Planning Board members.

## **Open Public Input**

A motion was made by Robert Bowyer and seconded by Mia Poliquin Pross to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

**(20:32 on DVD)**

A motion was made by Mia Poliquin Pross and seconded by Robert Bowyer to approve the Special Exception and Site Plan request of PDB Rancourt Realty, LLC to construct a 2,400 sf commercial building at 411 Center Street pursuant to Section 60-1277, 60-1278 (2), and 60-1312 and subject to conditions 1 & 2 as presented in the staff report dated June 14, 2016 and finding that the Variance request is in line with the commercial nature, size and irregular shape of that area and is not detrimental to the adjoining properties. After a vote of 7-0-0, the motion carried.

**B. E. S. Coffin Engineering and Surveying, Inc., an agent for R. A. Cummings Inc., is seeking approval of a Rock Quarry at a property located at Brown's Crossing Road, (PID # 055-009) pursuant to Article VIII (Excavation Permit Regulations) of the Auburn Code of Ordinances.**

Douglas presented the staff report via Power Point and answered questions asked by Planning Board members.

(43:55 on DVD)

James Coffin of E.S. Coffin Engineering & Surveying, Inc. and Rod Cummings, owner and applicant, added to the presentation and answered questions.

(1:18:40 on DVD)

**Open Public Input**

Mary Lutz of 119 Browns Crossing Road stated her concerns about the water level of the Royal River, proposed blasting and fear of being rear ended because of the lack of site distance at the intersection of Browns Crossing and Old Danville Road.

Larry Leavitt of 287 Browns Crossing Road said he was concerned about the condition of the road and the new bridge. He said it was a sharper corner to get onto the bridge so trucks were hitting the guardrail and stated that he has had to fill in potholes that were 6 to 8 inches deep in the road at the edge of the bridge's entrance. He said water runs down the hill to the entrance of the bridge causing the potholes. He said these issues should be addressed before they allow any trucks to haul material on the bridge.

A motion was made by Dan Philbrick and seconded by Evan Cyr to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A lengthy discussion ensued amongst the applicants and Board members.

(1:58:05 on DVD)

A motion was made by Evan Cyr and seconded by Dan Philbrick to approve the request of E. S. Coffin Engineering and Surveying, Inc., an agent for R. A. Cummings Inc., for approval of a Rock Quarry at a property located at Brown's Crossing Road, (PID # 055-009) pursuant to Article VIII (Excavation Permit Regulations) of the Auburn Code of Ordinances and Section 60-698 (A), (B), (C) and subject to the 6 conditions as outlined in the staff report dated June 14, 2016 along with the added condition that excavation shall not exceed 150 feet below elevation 155 without future approval by the Planning Board. After a vote of 6-0-0, the motion carried.

Evan Cyr asked Doug if there was a way for the Planning Board to impress upon the Engineering Department that several concerns regarding that road were brought up. Doug suggested that Board members put together resolutions, recommendations or something along those lines. He said this is an unusual situation where we have an opportunity for the private sector to do offsite improvements.

**C. Scott Shanaman, President of Lost Valley Management, LLC, is seeking approval of a Special Exception and Site Plan Review for various outdoor recreation activities in the**

**Agricultural and Resource Protection Zone and a digital sign in the Low Density Country Residential Zone at a property located at 150 Lost Valley Road (PID # 295-008) pursuant to Section 60-145 b, 5 (Recreational Use of Land in the Ag Zone, Special Exception), Section 60-1277, (Site Plan Review) and Section 60-638 (b) 5 (Signs, on-premises; in a Residential District) of the Auburn Code of Ordinances.**

Douglas went over the staff report and presented slides via PowerPoint.

**(2:19:50 on DVD)**

Dave Tyler, agent for Lost Valley and Scott Shanaman, President of Lost Valley Management, LLC and owner of Lost Valley, answered question from the Board members. A discussion ensued regarding the proposed digital signs and parking.

### **Open Public Input**

Robert Shaw of 165 West Shore Road said he was not opposed to anything that was being proposed except the digital sign.

Michael Morrisey of 825 Perkins Ridge Road agreed that it is not an appropriate area for a digital sign.

Susan Mchugh also of Perkins Ridge Road stated she didn't think a digital sign was appropriate. She also asked about decibel level regulations for the proposed summer concerts and if they would apply in this location.

Dan Bilodeau of 207 North Auburn Road offered his support to this endeavor. He explained that because the Lake Auburn Community Center is limited to 15 vehicles and 360 gallons per day for rest room facilities that this would be a great addition to the community to have a year round outdoor recreation. He suggested allowing that a digital sign be lit only a few days prior to an event and not 365 days a year.

Douglas read an email he had received from Wanda Sprague stating her only concern regarded the proposed digital sign and that it would be out of line with the Agricultural nature of the area.

**(2:36:10 on DVD)**

A motion was made by Dan Philbrick and seconded by Evan Cyr to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A lengthy discussion ensued between Board members and the applicants regarding noise levels for potential concerts, the proposed digital sign, a more detailed site plan, Comprehensive Plan & Ag Zone etc...

**(2:53:00 on DVD)**

A motion was made by Robert Bowyer and seconded by Dan Philbrick to not approve the application for the proposed digital sign at Youngs Corner Road. After a vote of 5-1-1, the motion carried. (Ken Bellefleur opposed and Marc Tardif did not vote)

Another lengthy discussion ensued between Board members and the applicants regarding safety inspections on the equipment, improved site plan, Comprehensive Plan & Ag Zone etc...

**(3:12:15 on DVD)**

A motion was made by Robert Bowyer and seconded by Evan Cyr that the Planning Board endorses the concept that's been presented for a 4 season use of the property but the Planning Board is not in a position to make the determinations required by the ordinance because of incomplete information. (Mr. Bowyer summarized stating the Planning Board will endorse the use and the concept but will defer approval of the site plan until the information required is available.)

Douglas asked for clarification on the motion and stated this is what he heard the motion to be: "More specifically, the Planning Board is requiring information pertaining to the pedestrian safety plan that would function with existing parking lots, possible lighting and modification of the Zip line site plan elements that could be more general in nature but subject to the approvals from other agencies."

Evan Cyr proposed an amendment to the motion stating that the Planning Board will review a site plan that specifically addresses pedestrian safety.

Robert Bowyer accepted the amendment to his motion.

Douglas stated that staff would work with the applicants to get the information for next month's meeting.

After a vote of 6-1-0, the motion carried. (Dan Philbrick opposed)

The applicant asked for clarification on the motion, specifically if the use was approved. Douglas explained the Planning Board approved the use but is asking to see a better defined pedestrian flow on the grounds. He reiterated that staff would work with the applicants to get this accomplished.

### **MINUTES:**

#### **May 10, 2016 Meeting Minutes Approval Request**

A motion was made by Evan Cyr and seconded by Mia Poliquin Pross to approve the May 10, 2016 meeting minutes. After a vote of 6-0-1, the motion carried. (Dan Philbrick abstained as he was not at that meeting)

### **OLD BUSINESS:**

### **MISCELLANEOUS:**

Douglas mentioned the Build Maine Conference - happening at the Bates Mill #1 in Lewiston on Wednesday, June 23<sup>rd</sup> and Thursday, June 24<sup>th</sup>.

Douglas also mentioned that he placed a copy of the New Auburn Riverway Greenway Plan in each Board member's packets which he hoped they could talk about at an upcoming Planning Board meeting.

(03:22:18 on DVD)

**ADJOURNMENT**

A motion was made by Evan Cyr and seconded by Samuel Scogin to adjourn. After a vote of 7-0-0, the motion carried.

## PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

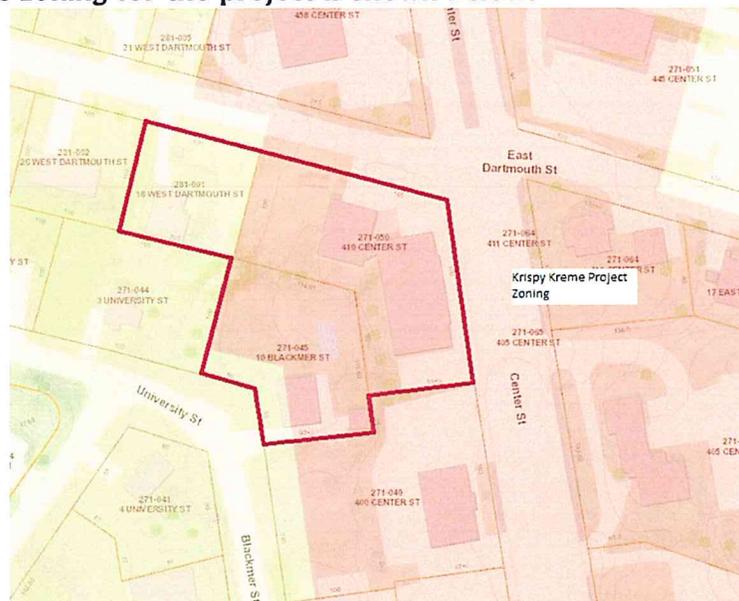
Re: Krispy Kreme Project, 410 Center Street, Special Exception and Site Plan Review

Date: August 9, 2016

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I. PROPOSAL- R and D Resources LLD, is seeking approval of a Special Exception and Site Plan Review for a 8,400 sf. commercial building including a drive-through restaurant at 410 Center Street, 10 Blackmer Street and 18 West Dartmouth Street. The developer, R & D Resources has purchased the old Paris Farmers Union Store and 2 other adjacent properties.

The Site Plan proposes an 8,400 sf building with a drive through window to serve a Krispy Kreme restaurant along with 3 commercial spaces within the building for other office or commercial tenants. There are 48 parking spaces with 2 of those spaces being handicapped. The zoning for the project is shown below.



Krispy Kreme Project Zoning (Orange=General Business and Yellow=Urban Residential)

II. DEPARTMENT REVIEW- This project was reviewed by the Plan Review Committee at the June 15 and July 20 meetings.

- a. Police- The Police originally had expressed concerns about access into the site from Center Street but are now satisfied with the revised site plan with 1 access on Center Street.
- b. Auburn Water and Sewer District- The applicant has worked with the Auburn Water and Sewer District to utilize the existing water and sewer hook-ups.
- c. Fire Department- Fire Department mentioned that customers in the Center Street parking area might get “trapped” if the drive-through line extends around the building.
- d. Engineering- Made similar comments to the Police on access to Center Street
- e. Public Services- An old storm water sewer line that runs through the middle of the site will be relocated during the early site work stage.
- f. Planning and Development- Worked with the applicant on screening, parking and building setbacks and traffic analysis information.

III. PLANNING BOARD ACTION- The application requires action by the Planning Board on a Special Exception and Site Plan Review as the new proposed building is over 5,000 sf and includes a drive-through restaurant.

**A. 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.”

The zoning ordinance describes the conditions needed for approval in:

**Sec. 60-1336. Special Exception- Conditions-** 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: The applicant has met the specific requirements in the zoning ordinance this plan.**
- (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 Staff will address traffic later in the report.**
- (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: The plan does not alter the recommendations of the 2010 Comprehensive Plan.**

(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: The applicant's Site Plan has taken appropriate measures to ensure that approving the Special Exception will protect the surrounding neighbors.**

(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: The applicant has made provisions for all the elements of condition 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: The applicant's Site Plan meets or exceeds the city's building code.**

(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: Adequate city services are available for the project**

**B. 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 **Section 60-1277 Site Plan Law- 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: The applicant has provided an extensive landscaping buffer and screening plan for all the boundaries that are adjacent to residentially zoned property. All lighting will shall be downward directed and not spill light into adjacent properties.**

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; **STAFF COMMENT: The Staff will report in part C on vehicular and pedestrian movement through the site.**

(3) Adequacy of the methods of disposal for wastes; **STAFF COMMENT:** A screened in dumpster is appropriately located on site.

(4) Protection of environment features on the site and in adjacent areas. **STAFF COMMENT:** There are no environmentally sensitive areas on site and a storm water plan has been reviewed by the Department of Engineering.

#### C. Other Planning Board Considerations- Traffic Analysis-

The applicants Development Review Application includes a letter from Sean Thies, P.E. that describes traffic count information from existing Krispy Kreme stores in other locations, describes the timing of the uses proposed in the different units of the 8,400 sf commercial building and provides the documented data to arrive at a project traffic count. Mr. Thies states the peak hour traffic count does not exceed 100 trips in the A.M. peak hour and will be at the meeting to answer questions.

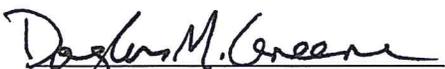
**COMMENT:** The Staff accepts and agrees with the opinion of a profession engineer. The applicant has worked closely with Staff and other departments in developing a solid site plan that provides a large stacking area for the drive-through and provides separate windows for customers to place an order and then to pick-up their order.

IV. **STAFF RECOMMENDATION-** The Staff recommends **APPROVAL** of the Special Exception and Site Plan Review for application to construct an 8,400 sf commercial building with a drive through facility at 410 Center Street, 10 Blackmer Street and 18 West Dartmouth Street. This recommendation is made with the following findings:

1. The applicant has met the provisions of the 7 conditions of Section 60-1336. Special Exception- Conditions.
2. The applicant has met the provisions of the 4 objectives of Section 60-1277 Site Plan Law- Objectives.
3. The applicant has provided evidence showing that a peak hour traffic count does not exceed 100 trips per peak hour and therefore does not warrant a traffic movement permit.

Conditions- Should the Planning Board approve the Special Exception and Site Plan Review, the approval is subject to the following conditions:

1. No development activity shall occur until any bonding and inspection fees are determined by the Department of Engineering.
2. The owner is responsible for maintaining all boundary and buffer area landscaping and will replace any damaged or dead plantings to the approval of the Planning Staff.



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

## LETTER OF TRANSMITTAL

**Date:** July 7, 2016 **JN:** 11813.001

**To:** Doug Greene City Planner **Re:** Krispy Kreme Plaza  
City of Auburn  
60 Court Street  
Auburn, ME 04210

**WE ARE SENDING YOU**

ATTACHED       BY EMAIL       UNDER SEPARATE COVER \_\_\_\_\_

COPIES	DATE	DESCRIPTION
15	July 2016	Development Review Application

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted    | <input type="checkbox"/> Resubmit ___ Copies for Approval   |
| <input type="checkbox"/> For Your Use            | <input type="checkbox"/> Approved as Noted        | <input type="checkbox"/> Submit ___ Copies for Distribution |
| <input type="checkbox"/> As Requested            | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return ___ Corrected Prints        |
| <input type="checkbox"/> For Review and Comment  | <input type="checkbox"/> For Bids Due _____ 20__  | <input type="checkbox"/> Prints Returned After Loan to CES  |
| <input type="checkbox"/> Other                   |   |   |

**Remarks:**

Copy To: \_\_\_\_\_ Signed: Sean Thies, PE (gdr)



# Development Review Application

City of Auburn Planning and Permitting Department

PROJECT NAME: Krispy Kreme Plaza

PROPOSED DEVELOPMENT ADDRESS: 410 Center Street

PARCEL ID#: \_\_\_\_\_

REVIEW TYPE:    Site Plan                       Site Plan Amendment                       Special Exception   
                                 Subdivision                       Subdivision Amendment                       Form Based Code Plan

PROJECT DESCRIPTION: Redevelopment of 410 Center Street (formerly Paris Farmers Union), 10 Blackmer Street, and 18 West Dartmouth Street as a 8,400 SF commercial business plaza.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### CONTACT INFORMATION:

<u>Applicant</u>	
Name:	R&D Resources, LLC
Address:	432 Grassy Hill Rd, Brookline, VT
Zip Code	05345
Work #:	
Cell #:	413-627-9870
Fax #:	
Home #:	
Email:	hamprealtyco@yahoo.com
<u>Project Representative</u>	
Name:	Rick Bayer
Address:	8 Jackson Hill Road, Leverett, MA
Zip Code	01054
Work #:	
Cell #:	413-237-6675
Fax #:	
Home #:	
Email:	rtbdesign@msn.com

<u>Property Owner</u>	
Name:	PFU Auburn Store LLC
Address:	65 North Town Road, Oxford
Zip Code	
Work #:	
Cell #:	
Fax #:	
Home #:	
Email:	
<u>Other professional representatives for the project (surveyors, engineers, etc.),</u>	
Name:	CES, Inc. - Sean Thies, PE
Address:	465 South Main Street, Brewer
Zip Code	04412
Work #:	989-4824
Cell #:	341-0588
Fax #:	989-4881
Home #:	
Email:	sthies@ces-maine.com

# PROJECT DATA

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

## IMPERVIOUS SURFACE AREA/RATIO

Existing Total Impervious Area .....	28,995	sq. ft.
Proposed Total Paved Area .....	29,882	sq. ft.
Proposed Total Impervious Area Proposed .....	37,561	sq. ft.
Impervious Net Change .....	8,606	sq. ft.
Impervious surface ratio existing .....	55%	% of lot area
Impervious surface ratio proposed .....	71%	% of lot area

## BUILDING AREA/LOT COVERAGE

Existing Building Footprint .....	9,996	sq. ft.
Proposed Building Footprint .....	8,400	sq. ft.
Proposed Building Footprint Net change .....	1,596	sq. ft.
Existing Total Building Floor Area .....	9,996	sq. ft.
Proposed Total Building Floor Area .....	8,400	sq. ft.
Proposed Building Floor Area Net Change .....	1,596	sq. ft.
New Building ? .....	YES	(yes or no)
Building Area/Lot coverage existing .....	18.8%	% of lot area
Building Area/Lot coverage proposed .....	15.9%	% of lot area

## ZONING or FORM BASED CODE DISTRICT

Existing .....	GB/UR	
Proposed, if applicable .....	GB	

## LAND USE

Existing .....	Commercial/Res.	
Proposed .....	Commercial	

## RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units .....	2	
Proposed Number of Residential Units .....	0	
Subdivision Proposed Number of Lots .....	0	

## PARKING SPACES

Existing Number of Parking Spaces .....	undefined	
Proposed Number of Parking Spaces .....	48	
Number of Handicapped Parking Spaces .....	2	
Proposed Total Parking Spaces .....	48	

**ESTIMATED COST OF PROJECT** ..... \$2.5 Million

## DELEGATED REVIEW AUTHORITY CHECKLIST

### SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area .....	28,995	sq. ft.
Proposed Disturbed Area .....	53,143	sq. ft.
Proposed Impervious Area .....	37,561	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 crated 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) 7.5-18.2 passenger car equivalents (PCE)

Total traffic estimated in the peak hour-proposed (Since July 1, 1997) 90-98 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 GB/UR zoning/form based code district.
2. Parcel Area: 1.22 acres / 53,143 square feet(sf).

<b>Regulations</b>	<u>Required/Allowed</u>	<u>Provided</u>
Min Lot Area	10,000	53,143
Street Frontage	100	160 & 272
Min Front Yard	25	35
Min Rear Yard	35	15
Min Side Yard	5	10
Max. Building Height	45	20
Use Designation	gb	gb
Parking Requirement	1 space/ per _____ square feet of floor area or dwelling unit <u>4.5/1,00sf</u>	
Total Parking:	35	48
Overlay zoning districts (if any):	_____ / _____ / _____	
Urban impaired stream watershed?	YES/NO If yes, watershed name <u>NO</u>	

## **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 not be accepted until all deficiencies are corrected.
3. Cover letter stating the nature of the project.
4. Narrative which explains how the project meets the intent, objectives or conditions of the required Zoning sections, such as Special Exception, Site Plan Law, Subdivision Law or the Form Based Code Ordinance.
5. All written submittals including evidence of right, title and interest.
6. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
7. Any additional materials as required by the Form Based Code (Chapter 60-546) if applicable.

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

Additional information regarding zoning and form based code can be found on-line at:  
<http://www.auburnmaine.gov/Pages/Government/Planning-Permitting-and-Code> or,  
 Contact the City Planner at: 207-333-6601 ext. 1156 or [dgreene@auburnmaine.gov](mailto:dgreene@auburnmaine.gov)

### **Application Certification:**

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: July 7, 2016

July 7, 2016

Mr. Doug Greene, City Planner  
City of Auburn  
60 Court Street  
Auburn, Maine 04210

**Re: Krispy Kreme Traffic Generation**

Dear Doug:

As part of the Development Review Application for the proposed Krispy Kreme project at 410 Center Street, we have prepared an estimate of the amount of peak hour trips to be generated by the project. We have reviewed sales data for five existing Krispy Kreme locations in Florida. Attached to this letter is a summary of guest counts and hourly sales for each of these stores for the time period of June 20, 2016 through June 26, 2016. The A.M. peak hours between 7:00 and 9:00 are the standard time of concern for a donut/coffee shop. The highest guest count average for any location in the A.M. peak occurred at the Daytona Beach location between 8:00 and 9:00. This location averaged 47 guests over this hour. Assuming each guest drove to the store, this would equate to 94 trips in the peak hour (1 trip entering and 1 trip exiting). This by itself is less than the 100 trip threshold for requiring a Traffic Movement Permit.

The proposed project includes three additional spaces for lease/rent. Two of these spaces have been identified for potential tenants, both of which will not open until after 10:00 A.M. which means they will not have any effect on the A.M. peak traffic. The third space has not had a tenant identified at this time, but it is expected to be a small office or retail space which would have very minimal traffic generation. Also, the previous use of the site (Paris Farmers Union) had existing trips which we can take credit for when determining if the 100 trip threshold is exceeded. Using the Institute of Transportation Engineers (ITE) Manual, 7<sup>th</sup> Edition; there are two categories that could be comparable to this previous use. Hardware/Paint Store or Building Materials/Lumber Store appear to be the most comparable use to the Paris Farmers Union store. Based on the size of the existing store, these uses would likely have somewhere between 7.5 and 18.2 trips in the A.M. peak hour.

Based on the actual data from five existing Krispy Kreme locations, the operating hours for the other potential tenants, and the credit for the previous use of the site, it is our opinion that the proposed project would not exceed 100 trips in the A.M. peak hour and therefore does not require a Traffic Movement Permit. The anticipated A.M. peak hour trip increase from the previous use is expected to be somewhere between 76 and 87 trips.

Please let us know if you have any questions or need additional information. We look forward to reviewing this project in more detail with the City and Planning Board in the near future.

Sincerely,  
CES, Inc.

A handwritten signature in blue ink, appearing to read 'Sean Thies'.

Sean Thies, P.E.  
Senior Project Manager

SMT/gdr  
Enc.  
cc: Rick Bayer

Mr. Doug Greene | 07.07.2016 | 11813.001 | Page 1



Store Group: Franchisee\_Anderson

Report Date: 6/20/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	1	\$1.88
	3am	2	\$3.77
	5am	4	\$97.76
	6am	8	\$88.82
	7am	16	\$140.78
	8am	18	\$100.02
	9am	30	\$177.96
	10am	18	\$85.05
	11am	8	\$40.59
	12Noon	16	\$79.63
	1pm	14	\$108.10
	2pm	13	\$97.05
	3pm	17	\$65.05
	4pm	19	\$143.84
	5pm	27	\$150.17
	6pm	16	\$128.05
	7pm	16	\$104.33
	8pm	14	\$116.46
	9pm	7	\$45.82
	10pm	10	\$77.89
	11pm	2	\$14.58
0435 Melbourne, FL Total:		<hr/> 276	<hr/> \$1,867.60
0437 Daytona Beach, FL			
	12am	14	\$73.57
	1am	10	\$58.96
	2am	5	\$16.46
	3am	4	\$10.10
	4am	7	\$92.43
	5am	8	\$97.13
	6am	20	\$115.71
	7am	35	\$319.11
	8am	37	\$282.40
	9am	27	\$205.76
	10am	46	\$476.82
	11am	25	\$209.66
	12Noon	27	\$207.73
	1pm	42	\$304.29
	2pm	27	\$198.22
	3pm	20	\$162.77
	4pm	21	\$195.92
	5pm	32	\$296.11
	6pm	35	\$286.26
	7pm	50	\$438.17
	8pm	62	\$655.24
	9pm	51	\$562.68
	10pm	35	\$288.84



Store Group: Franchisee\_Anderson  
Report Date: 6/20/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	11pm	18	\$124.82
0437 Daytona Beach, FL Total:		658	\$5,679.16
0441 Winter Park, FL			
	12am	9	\$69.08
	1am	3	\$15.55
	2am	2	\$22.92
	4am	1	\$5.26
	5am	5	\$51.97
	6am	13	\$76.15
	7am	22	\$125.20
	8am	41	\$226.93
	9am	42	\$266.11
	10am	28	\$200.90
	11am	30	\$170.56
	12Noon	17	\$97.14
	1pm	16	\$110.70
	2pm	20	\$149.74
	3pm	19	\$82.04
	4pm	25	\$185.57
	5pm	28	\$201.45
	6pm	21	\$155.96
	7pm	19	\$112.21
	8pm	37	\$302.32
	9pm	33	\$237.54
	10pm	14	\$89.94
	11pm	13	\$92.68
0441 Winter Park, FL Total:		458	\$3,047.92
0442 Kissimmee, FL			
	12am	24	\$204.76
	1am	7	\$60.26
	2am	4	\$27.99
	4am	2	\$7.74
	5am	4	\$29.18
	6am	8	\$29.00
	7am	15	\$153.23
	8am	26	\$269.70
	9am	41	\$382.39
	10am	42	\$396.56
	11am	38	\$373.14
	12Noon	12	\$60.20
	1pm	19	\$173.11
	2pm	21	\$172.40
	3pm	38	\$305.95
	4pm	33	\$250.15
	5pm	32	\$247.10
	6pm	41	\$341.89
	7pm	43	\$430.14



Store Group: Franchisee\_Anderson  
Report Date: 6/20/2016

## Hourly Sales Summary By Store

<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
8pm	61	\$525.81
9pm	71	\$694.35
10pm	48	\$448.23
11pm	41	\$371.55
0442 Kissimmee, FL Total:	<hr/> 671	<hr/> \$5,954.83
0443 Orlando, FL		
2am	1	\$10.58
5am	3	\$11.40
6am	19	\$148.12
7am	16	\$105.89
8am	32	\$233.78
9am	17	\$112.16
10am	34	\$277.76
11am	24	\$181.06
12Noon	20	\$121.43
1pm	19	\$109.23
2pm	27	\$180.43
3pm	17	\$146.02
4pm	24	\$166.00
5pm	23	\$164.82
6pm	41	\$264.96
7pm	30	\$278.04
8pm	56	\$334.66
9pm	33	\$230.54
10pm	9	\$55.82
11pm	3	\$15.82
0443 Orlando, FL Total:	<hr/> 448	<hr/> \$3,148.52
Grand Total:	2,511	\$19,698.03



Store Group: Franchisee\_Anderson

Report Date: 6/21/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	1	\$2.97
	1am	2	\$9.06
	2am	1	\$7.99
	3am	2	\$16.25
	4am	1	\$0.89
	5am	3	\$23.72
	6am	9	\$84.78
	7am	25	\$201.56
	8am	27	\$154.72
	9am	25	\$173.37
	10am	21	\$135.19
	11am	17	\$136.03
	12Noon	13	\$89.30
	1pm	14	\$76.98
	2pm	19	\$107.71
	3pm	20	\$185.17
	4pm	16	\$105.29
	5pm	9	\$60.82
	6pm	17	\$100.82
	7pm	19	\$89.83
	8pm	16	\$104.89
	9pm	5	\$33.73
	10pm	6	\$54.41
	11pm	4	\$41.26
0435 Melbourne, FL Total:		<hr/> 292	<hr/> \$1,996.74
0437 Daytona Beach, FL			
	12am	16	\$90.50
	1am	10	\$72.53
	2am	7	\$36.53
	3am	2	\$2.58
	4am	3	\$5.55
	5am	13	\$96.02
	6am	20	\$181.99
	7am	34	\$307.98
	8am	33	\$274.68
	9am	50	\$385.54
	10am	26	\$219.11
	11am	27	\$227.56
	12Noon	20	\$163.99
	1pm	31	\$264.87
	2pm	37	\$271.56
	3pm	30	\$282.23
	4pm	25	\$164.03
	5pm	42	\$354.73
	6pm	40	\$362.65
	7pm	45	\$377.32



Store Group: Franchisee\_Anderson  
Report Date: 6/21/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	8pm	52	\$488.82
	9pm	58	\$605.12
	10pm	40	\$382.95
	11pm	13	\$97.28
0437 Daytona Beach, FL Total:		<hr/> 674	<hr/> \$5,716.12
0441 Winter Park, FL			
	12am	5	\$24.45
	1am	1	\$18.98
	2am	2	\$19.26
	3am	1	\$1.78
	4am	1	\$16.98
	5am	8	\$71.11
	6am	18	\$166.47
	7am	32	\$225.80
	8am	42	\$359.40
	9am	32	\$324.50
	10am	25	\$143.10
	11am	16	\$85.09
	12Noon	15	\$86.04
	1pm	24	\$188.13
	2pm	18	\$118.79
	3pm	30	\$257.79
	4pm	34	\$263.19
	5pm	26	\$136.75
	6pm	21	\$95.75
	7pm	31	\$172.71
	8pm	26	\$129.39
	9pm	22	\$192.28
	10pm	16	\$104.41
	11pm	11	\$63.10
0441 Winter Park, FL Total:		<hr/> 457	<hr/> \$3,265.25
0442 Kissimmee, FL			
	12am	11	\$93.38
	1am	3	\$24.35
	2am	3	\$20.98
	4am	2	\$12.88
	5am	3	\$65.71
	6am	5	\$19.71
	7am	32	\$239.98
	8am	33	\$275.65
	9am	50	\$473.84
	10am	42	\$382.78
	11am	21	\$147.33
	12Noon	17	\$132.13
	1pm	27	\$216.88
	2pm	28	\$181.68
	3pm	23	\$208.63



Store Group: Franchisee\_Anderson  
Report Date: 6/21/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	4pm	19	\$101.84
	5pm	27	\$194.00
	6pm	32	\$268.08
	7pm	44	\$416.00
	8pm	59	\$516.58
	9pm	61	\$513.57
	10pm	46	\$410.19
	11pm	21	\$169.47
0442 Kissimmee, FL Total:		<hr/> 609	<hr/> \$5,085.64
0443 Orlando, FL			
	12am	2	\$14.45
	1am	2	\$6.34
	2am	1	\$0.99
	3am	1	\$10.48
	5am	4	\$78.75
	6am	13	\$131.84
	7am	22	\$310.91
	8am	26	\$182.23
	9am	19	\$238.50
	10am	21	\$127.12
	11am	16	\$91.78
	12Noon	16	\$103.44
	1pm	13	\$117.37
	2pm	28	\$175.82
	3pm	31	\$174.53
	4pm	32	\$240.92
	5pm	28	\$162.30
	6pm	53	\$341.93
	7pm	48	\$333.46
	8pm	50	\$322.25
	9pm	43	\$288.71
	10pm	32	\$275.71
	11pm	5	\$23.16
0443 Orlando, FL Total:		<hr/> 506	<hr/> \$3,752.99
Grand Total:		2,538	\$19,816.74



Store Group: Franchisee\_Anderson

Report Date: 6/22/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	5	\$33.12
	1am	1	\$3.57
	2am	1	\$15.98
	3am	1	\$0.89
	4am	2	\$16.98
	5am	2	\$4.36
	6am	13	\$116.71
	7am	30	\$240.74
	8am	36	\$257.98
	9am	24	\$177.96
	10am	21	\$172.33
	11am	15	\$109.11
	12Noon	15	\$84.24
	1pm	19	\$123.37
	2pm	12	\$83.89
	3pm	15	\$111.88
	4pm	21	\$129.05
	5pm	12	\$67.68
	6pm	23	\$261.12
	7pm	13	\$128.39
	8pm	24	\$175.72
	9pm	13	\$73.26
	10pm	7	\$42.58
	11pm	2	\$19.55
0435 Melbourne, FL Total:		<hr/> 327	<hr/> \$2,450.46
0437 Daytona Beach, FL			
	12am	12	\$49.85
	1am	7	\$43.22
	2am	5	\$41.38
	3am	3	\$22.86
	4am	2	\$3.58
	5am	13	\$69.52
	6am	10	\$144.49
	7am	25	\$236.72
	8am	46	\$477.37
	9am	50	\$439.03
	10am	43	\$453.14
	11am	21	\$174.97
	12Noon	28	\$245.74
	1pm	18	\$180.52
	2pm	19	\$186.52
	3pm	24	\$223.14
	4pm	32	\$267.96
	5pm	39	\$353.55
	6pm	36	\$288.43
	7pm	50	\$409.73



Store Group: Franchisee\_Anderson  
 Report Date: 6/22/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	8pm	58	\$477.52
	9pm	60	\$569.11
	10pm	44	\$442.73
	11pm	17	\$128.43
0437 Daytona Beach, FL Total:		<hr/> 662	<hr/> \$5,929.51
0441 Winter Park, FL			
	12am	4	\$29.24
	1am	2	\$12.10
	2am	1	\$1.78
	3am	1	\$10.47
	4am	1	\$9.49
	5am	4	\$45.26
	6am	26	\$293.61
	7am	34	\$267.38
	8am	42	\$355.84
	9am	44	\$307.54
	10am	26	\$97.41
	11am	26	\$216.53
	12Noon	15	\$88.38
	1pm	15	\$87.25
	2pm	25	\$106.58
	3pm	24	\$129.71
	4pm	23	\$178.36
	5pm	20	\$141.16
	6pm	28	\$266.44
	7pm	29	\$174.36
	8pm	28	\$224.77
	9pm	36	\$283.69
	10pm	30	\$223.52
	11pm	7	\$35.41
0441 Winter Park, FL Total:		<hr/> 491	<hr/> \$3,586.28
0442 Kissimmee, FL			
	12am	21	\$178.22
	1am	6	\$34.38
	2am	4	\$16.17
	4am	2	\$8.82
	5am	4	\$41.73
	6am	5	\$38.48
	7am	22	\$307.32
	8am	33	\$346.69
	9am	31	\$296.85
	10am	44	\$442.06
	11am	27	\$220.97
	12Noon	14	\$135.91
	1pm	18	\$120.54
	2pm	18	\$153.48
	3pm	21	\$151.34



Store Group: Franchisee\_Anderson  
Report Date: 6/22/2016

## Hourly Sales Summary By Store

<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
4pm	27	\$259.56
5pm	31	\$342.36
6pm	29	\$280.45
7pm	60	\$565.65
8pm	61	\$588.86
9pm	71	\$689.26
10pm	66	\$570.42
11pm	36	\$351.33
0442 Kissimmee, FL Total:	<hr/> 651	<hr/> \$6,140.85
0443 Orlando, FL		
12am	1	\$10.92
2am	2	\$17.41
3am	1	\$8.45
4am	1	\$21.56
5am	5	\$26.52
6am	20	\$192.38
7am	24	\$261.56
8am	39	\$362.96
9am	29	\$219.49
10am	23	\$176.21
11am	24	\$148.52
12Noon	19	\$115.68
1pm	33	\$199.74
2pm	23	\$294.81
3pm	24	\$150.87
4pm	33	\$228.71
5pm	34	\$273.97
6pm	43	\$322.08
7pm	33	\$159.03
8pm	47	\$327.91
9pm	43	\$278.44
10pm	20	\$114.84
11pm	3	\$30.18
0443 Orlando, FL Total:	<hr/> 524	<hr/> \$3,942.24
Grand Total:	2,655	\$22,049.34



Store Group: Franchisee\_Anderson

Report Date: 6/23/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	2	\$19.67
	2am	2	\$16.61
	3am	3	\$6.75
	4am	1	\$7.99
	5am	4	\$66.90
	6am	12	\$91.67
	7am	32	\$267.74
	8am	21	\$175.69
	9am	22	\$118.43
	10am	24	\$143.74
	11am	11	\$68.72
	12Noon	9	\$46.15
	1pm	14	\$80.64
	2pm	10	\$67.01
	3pm	28	\$200.93
	4pm	18	\$131.07
	5pm	18	\$131.93
	6pm	17	\$157.96
	7pm	23	\$188.24
	8pm	12	\$115.09
	9pm	12	\$139.43
	10pm	3	\$15.96
	11pm	3	\$14.31
0435 Melbourne, FL Total:		<hr/> 301	<hr/> \$2,272.63
0437 Daytona Beach, FL			
	12am	17	\$104.92
	1am	5	\$23.07
	2am	5	\$29.69
	3am	3	\$6.25
	4am	4	\$16.49
	5am	8	\$37.58
	6am	11	\$96.22
	7am	41	\$418.53
	8am	63	\$515.71
	9am	46	\$378.73
	10am	57	\$579.39
	11am	29	\$177.38
	12Noon	24	\$185.33
	1pm	21	\$159.75
	2pm	16	\$98.78
	3pm	35	\$314.05
	4pm	25	\$214.51
	5pm	34	\$269.97
	6pm	39	\$342.22
	7pm	43	\$404.70
	8pm	56	\$509.31



Store Group: Franchisee\_Anderson  
 Report Date: 6/23/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	9pm	54	\$580.81
	10pm	37	\$374.32
	11pm	28	\$283.02
0437 Daytona Beach, FL Total:		<hr/> 701	<hr/> \$6,120.73
0441 Winter Park, FL			
	12am	5	\$29.91
	1am	4	\$31.09
	3am	1	\$16.98
	4am	3	\$28.26
	5am	3	\$15.05
	6am	24	\$266.07
	7am	36	\$304.90
	8am	50	\$407.74
	9am	46	\$327.28
	10am	49	\$314.92
	11am	24	\$134.87
	12Noon	14	\$98.45
	1pm	19	\$108.99
	2pm	20	\$98.57
	3pm	23	\$229.14
	4pm	36	\$248.82
	5pm	24	\$147.85
	6pm	20	\$181.48
	7pm	34	\$445.60
	8pm	38	\$274.50
	9pm	55	\$355.20
	10pm	22	\$108.54
	11pm	12	\$83.60
0441 Winter Park, FL Total:		<hr/> 562	<hr/> \$4,257.81
0442 Kissimmee, FL			
	12am	14	\$90.09
	1am	7	\$28.41
	2am	1	\$5.94
	3am	2	\$34.96
	4am	4	\$7.54
	5am	7	\$60.77
	6am	16	\$151.40
	7am	23	\$159.34
	8am	36	\$339.45
	9am	41	\$411.66
	10am	39	\$402.47
	11am	29	\$429.04
	12Noon	25	\$258.09
	1pm	20	\$106.18
	2pm	21	\$229.00
	3pm	17	\$168.10
	4pm	36	\$294.33



Store Group: Franchisee\_Anderson  
Report Date: 6/23/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	5pm	41	\$344.79
	6pm	34	\$309.40
	7pm	48	\$434.67
	8pm	56	\$509.07
	9pm	54	\$582.17
	10pm	47	\$401.49
	11pm	31	\$305.18
0442 Kissimmee, FL Total:		<hr/> 649	<hr/> \$6,063.54
0443 Orlando, FL			
	12am	6	\$39.96
	1am	1	\$8.57
	3am	2	\$20.59
	4am	1	\$22.32
	5am	5	\$36.63
	6am	12	\$59.55
	7am	34	\$297.07
	8am	25	\$227.80
	9am	28	\$205.94
	10am	41	\$272.06
	11am	24	\$310.73
	12Noon	18	\$155.32
	1pm	19	\$103.62
	2pm	29	\$210.14
	3pm	30	\$522.68
	4pm	41	\$272.78
	5pm	43	\$292.33
	6pm	41	\$251.12
	7pm	42	\$290.83
	8pm	45	\$262.71
	9pm	55	\$456.83
	10pm	20	\$188.34
	11pm	7	\$73.39
0443 Orlando, FL Total:		<hr/> 569	<hr/> \$4,581.31
Grand Total:		2,782	\$23,296.02



Store Group: Franchisee\_Anderson  
Report Date: 6/24/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	6	\$40.42
	2am	1	\$8.99
	3am	4	\$21.55
	4am	5	\$48.38
	5am	5	\$61.00
	6am	14	\$148.85
	7am	38	\$381.27
	8am	29	\$254.78
	9am	34	\$240.74
	10am	24	\$209.79
	11am	15	\$121.38
	12Noon	10	\$60.14
	1pm	16	\$124.41
	2pm	13	\$65.16
	3pm	16	\$126.81
	4pm	15	\$111.64
	5pm	13	\$94.93
	6pm	15	\$85.79
	7pm	18	\$137.91
	8pm	22	\$142.62
	9pm	18	\$139.59
	10pm	4	\$33.54
	11pm	1	\$5.59
0435 Melbourne, FL Total:		<hr/> 336	<hr/> \$2,665.28
0437 Daytona Beach, FL			
	2am	3	\$48.73
	3am	3	\$28.12
	4am	7	\$87.09
	5am	7	\$33.37
	6am	25	\$235.83
	7am	35	\$371.31
	8am	61	\$551.01
	9am	63	\$486.19
	10am	38	\$313.27
	11am	25	\$175.43
	12Noon	33	\$286.24
	1pm	23	\$198.33
	2pm	28	\$201.52
	3pm	31	\$238.94
	4pm	52	\$414.69
	5pm	56	\$513.86
	6pm	55	\$423.83
	7pm	43	\$317.50
	8pm	55	\$493.38
	9pm	54	\$494.22
	10pm	56	\$405.22



Store Group: Franchisee\_Anderson  
Report Date: 6/24/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0437 Daytona Beach, FL Total:		753	\$6,318.08
0441 Winter Park, FL			
	12am	12	\$79.84
	1am	7	\$57.99
	3am	2	\$12.16
	4am	1	\$11.88
	5am	7	\$78.52
	6am	26	\$279.85
	7am	58	\$674.55
	8am	59	\$746.62
	9am	50	\$392.16
	10am	38	\$240.44
	11am	24	\$177.67
	12Noon	17	\$168.87
	1pm	15	\$95.76
	2pm	28	\$272.42
	3pm	20	\$197.18
	4pm	32	\$254.72
	5pm	36	\$258.25
	6pm	25	\$194.79
	7pm	31	\$217.82
	8pm	44	\$363.31
	9pm	46	\$347.90
	10pm	37	\$279.54
	11pm	6	\$34.04
0441 Winter Park, FL Total:		621	\$5,436.28
0442 Kissimmee, FL			
	12am	32	\$261.99
	1am	13	\$110.35
	2am	4	\$55.05
	3am	2	\$17.79
	4am	3	\$18.30
	6am	16	\$115.79
	7am	29	\$323.60
	8am	39	\$483.61
	9am	42	\$387.82
	10am	52	\$602.52
	11am	34	\$335.17
	12Noon	33	\$272.65
	1pm	22	\$186.61
	2pm	27	\$241.15
	3pm	27	\$224.58
	4pm	35	\$298.72
	5pm	39	\$322.04
	6pm	53	\$640.96
	7pm	69	\$602.27
	8pm	80	\$726.89



Store Group: Franchisee\_Anderson  
Report Date: 6/24/2016

## Hourly Sales Summary By Store

<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
9pm	71	\$705.75
10pm	65	\$591.22
11pm	40	\$409.05
0442 Kissimmee, FL Total:	<hr/> 827	<hr/> \$7,933.88
0443 Orlando, FL		
12am	7	\$36.66
2am	1	\$6.15
5am	9	\$127.31
6am	19	\$165.25
7am	38	\$408.46
8am	33	\$285.20
9am	45	\$393.16
10am	23	\$128.77
11am	24	\$167.63
12Noon	21	\$146.91
1pm	28	\$214.25
2pm	29	\$181.15
3pm	30	\$191.76
4pm	41	\$282.42
5pm	32	\$285.99
6pm	49	\$335.04
7pm	46	\$303.40
8pm	64	\$1,728.33
9pm	49	\$452.09
10pm	36	\$305.87
11pm	11	\$59.08
0443 Orlando, FL Total:	<hr/> 635	<hr/> \$6,204.88
Grand Total:	3,172	\$28,558.40



Store Group: Franchisee\_Anderson

Report Date: 6/25/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	9	\$57.12
	1am	1	\$8.99
	2am	1	\$3.67
	3am	3	\$13.53
	4am	4	\$24.05
	5am	3	\$18.24
	6am	15	\$162.05
	7am	28	\$235.12
	8am	42	\$419.15
	9am	37	\$268.52
	10am	36	\$336.20
	11am	21	\$165.09
	11pm	4	\$16.35
0435 Melbourne, FL Total:		<hr/> 204	<hr/> \$1,728.08
0441 Winter Park, FL			
	12am	5	\$44.29
	1am	3	\$30.89
	2am	1	\$2.88
	3am	3	\$23.11
	4am	1	\$17.98
	5am	5	\$57.71
	6am	10	\$124.69
	7am	34	\$334.16
	8am	36	\$341.75
	9am	45	\$375.69
	10am	36	\$257.26
	11am	24	\$149.10
	12Noon	18	\$123.66
	1pm	13	\$126.20
	2pm	20	\$187.22
	3pm	21	\$178.17
	4pm	22	\$160.98
	5pm	20	\$122.34
	6pm	26	\$264.04
	7pm	29	\$247.27
	8pm	48	\$392.40
	9pm	53	\$494.62
	10pm	32	\$211.67
	11pm	14	\$121.03
0441 Winter Park, FL Total:		<hr/> 519	<hr/> \$4,389.11
0442 Kissimmee, FL			
	12am	36	\$335.51
	1am	8	\$58.50
	2am	8	\$55.71
	3am	3	\$28.34



Store Group: Franchisee\_Anderson  
 Report Date: 6/25/2016

## Hourly Sales Summary By Store

<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
4am	3	\$30.84
5am	7	\$75.88
6am	15	\$252.42
7am	34	\$308.16
8am	47	\$499.13
9am	53	\$550.59
10am	47	\$437.98
11am	37	\$379.74
12Noon	26	\$187.07
1pm	27	\$209.42
2pm	31	\$302.62
3pm	33	\$281.48
4pm	23	\$274.28
5pm	50	\$478.31
6pm	51	\$455.88
7pm	62	\$547.23
8pm	72	\$640.54
9pm	66	\$624.56
10pm	60	\$656.28
11pm	46	\$450.11
0442 Kissimmee, FL Total:		\$8,120.58
0443 Orlando, FL		
12am	6	\$26.60
1am	1	\$8.49
3am	2	\$12.26
4am	1	\$2.77
5am	6	\$111.72
6am	11	\$204.63
7am	15	\$201.87
8am	37	\$350.57
9am	42	\$316.12
10am	38	\$357.54
11am	43	\$335.15
12Noon	28	\$141.80
1pm	24	\$154.09
2pm	47	\$369.82
3pm	42	\$359.33
4pm	42	\$270.26
5pm	37	\$317.16
6pm	38	\$300.06
7pm	58	\$463.41
8pm	48	\$421.52
9pm	40	\$371.35
10pm	34	\$281.29
11pm	8	\$63.09
0443 Orlando, FL Total:		\$5,440.90



Store Group: Franchisee\_Anderson  
Report Date: 6/25/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
Grand Total:		2,216	\$19,678.67



Store Group: Franchisee\_Anderson  
Report Date: 6/26/2016

# Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
0435 Melbourne, FL			
	12am	2	\$23.97
	1am	7	\$35.06
	4am	2	\$15.98
	5am	1	\$2.97
	6am	12	\$145.26
	7am	24	\$274.64
	8am	38	\$351.52
	9am	49	\$402.32
	10am	31	\$217.86
	11am	21	\$164.18
	12Noon	18	\$116.60
	1pm	13	\$73.07
	2pm	12	\$113.61
	3pm	16	\$140.86
	4pm	19	\$145.00
	5pm	16	\$137.92
	6pm	17	\$143.41
	7pm	25	\$189.94
	8pm	13	\$128.48
	9pm	8	\$47.64
	10pm	4	\$31.60
	11pm	5	\$34.81
0435 Melbourne, FL Total:		<hr/> 353	<hr/> \$2,936.70
0437 Daytona Beach, FL			
	12am	14	\$113.40
	1am	5	\$45.26
	2am	17	\$130.85
	3am	8	\$32.28
	4am	3	\$13.86
	5am	12	\$99.32
	6am	12	\$142.90
	7am	33	\$323.91
	8am	44	\$422.20
	9am	60	\$609.13
	10am	74	\$689.05
	11am	58	\$537.88
	12Noon	47	\$367.50
	1pm	56	\$518.57
	2pm	46	\$449.97
	3pm	41	\$379.89
	4pm	48	\$417.28
	5pm	57	\$580.81
	6pm	59	\$598.14
	7pm	56	\$487.35
	8pm	78	\$760.33
	9pm	51	\$509.61



Store Group: Franchisee\_Anderson  
 Report Date: 6/26/2016

## Hourly Sales Summary By Store

	<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
	10pm	50	\$426.15
	11pm	16	\$92.29
0437 Daytona Beach, FL Total:		<hr/> 945	<hr/> \$8,747.93
0441 Winter Park, FL			
	12am	6	\$50.90
	3am	3	\$16.04
	5am	3	\$45.40
	6am	10	\$117.34
	7am	24	\$185.83
	8am	34	\$364.77
	9am	41	\$345.20
	10am	50	\$401.27
	11am	36	\$257.97
	12Noon	23	\$131.19
	1pm	24	\$167.88
	2pm	15	\$136.61
	3pm	14	\$142.39
	4pm	24	\$200.82
	5pm	20	\$150.95
	6pm	29	\$279.16
	7pm	36	\$283.53
	8pm	49	\$337.88
	9pm	28	\$222.85
	10pm	22	\$178.25
	11pm	16	\$94.39
0441 Winter Park, FL Total:		<hr/> 507	<hr/> \$4,110.62
0442 Kissimmee, FL			
	12am	6	\$61.32
	1am	4	\$41.70
	2am	3	\$14.06
	3am	6	\$40.96
	4am	5	\$24.78
	5am	4	\$23.65
	6am	8	\$57.07
	7am	29	\$209.06
	8am	52	\$584.54
	9am	48	\$558.96
	10am	36	\$399.84
	11am	47	\$456.03
	12Noon	30	\$235.88
	1pm	35	\$339.00
	2pm	54	\$483.29
	3pm	41	\$364.81
	4pm	70	\$665.25
	5pm	70	\$625.65
	6pm	66	\$604.76
	7pm	58	\$611.05



Store Group: Franchisee\_Anderson  
Report Date: 6/26/2016

## Hourly Sales Summary By Store

<u>Time</u>	<u>Guest Count</u>	<u>Net Sales</u>
8pm	78	\$745.93
9pm	63	\$540.16
10pm	63	\$601.44
11pm	34	\$308.71
0442 Kissimmee, FL Total:	<hr/> 910	<hr/> \$8,597.90
0443 Orlando, FL		
12am	2	\$1.88
1am	2	\$6.35
2am	4	\$18.50
3am	2	\$11.18
4am	2	\$6.75
5am	4	\$29.32
6am	12	\$175.67
7am	20	\$201.87
8am	31	\$345.65
9am	51	\$397.06
10am	41	\$345.36
11am	38	\$294.24
12Noon	19	\$121.26
1pm	38	\$260.20
2pm	53	\$402.70
3pm	55	\$504.61
4pm	36	\$284.84
5pm	84	\$652.88
6pm	65	\$461.12
7pm	69	\$577.91
8pm	49	\$342.59
9pm	31	\$213.17
10pm	14	\$125.75
11pm	8	\$33.22
0443 Orlando, FL Total:	<hr/> 730	<hr/> \$5,814.08
Grand Total:	3,445	\$30,207.23



June 15, 2016

Mr. Hector C. Mendez, Jr.  
26 The Flume  
Amherst, NH 03031

Dear Cort,

I am pleased to present the following Commitment Letter outlining the terms and conditions pursuant to which People's United Bank, National Association ("People's") will extend **\$650,000** in new credit facilities ("Facilities"). The Commitment Letter is a summary of terms and conditions of the proposed financing subject to the execution and delivery of loan documentation satisfactory to People's and its counsel. *Borrower acknowledges that this letter is not to be shown to or relied upon by third parties.*

At your earliest convenience, please review the entire Commitment Letter carefully and call me to discuss. **If acceptable, please execute and return to me by June 26, 2016 ("Expiration Date"), along with the applicable Commitment Fees detailed below. If not accepted by the Expiration Date, this Commitment will expire.**

**BORROWER**

The Hector Cortez Mendez, Jr. Revocable Trust of 2011 ("Borrower")

**AMOUNT**

A \$650,000 Line of Credit ("Line of Credit") for the purchase of real estate located at 410 Center St., 10 Blackmer St. and 18 West Dartmouth St., all located in Auburn, ME.

**TERM**

A term of six (6) months. Maturity date December 29, 2016.

**REPAYMENT**

Line of Credit: Monthly interest payments only with principal and all accrued and unpaid interest due at maturity.

**INTEREST RATE**

Line of Credit: Rate will be set at the One Month LIBOR plus 235 basis points, adjusting monthly. As of June 15, 2016, the all in rate would be 2.79%.

***Prepayment Premium: None.***

**EXPENSES AND FEES**

\$500.00 Origination Fee

**Other:**

Borrower agrees to reimburse People's and its affiliates upon request for all reasonable out-of-pocket expenses ("Expenses") including due diligence, Field Exam expenses and reasonable fees, charges and disbursements of counsel incurred in connection with the Facilities and any related documentation (including, without limitation, these Facilities and the definitive financing documentation ("Documentation") or the administration, amendment, modification or waiver thereof).

If the Facilities are accepted and the transaction does not close for any reason other than due to People's gross negligence or wilful misconduct, Borrower will pay any fees and expenses

---

already incurred.

## **GUARANTORS**

Unlimited, Joint and Several Guarantee of Hector C. Mendez, Jr.

## **SECURITY**

Line of Credit: A pledge of the Borrower's PUB Wealth Management account #61-N316-01-5.

## **LOAN DOCUMENTS**

The Facilities are subject to the negotiation, execution and delivery of definitive documents as requested by People's. Such documents will contain representations and warranties, funding and yield protection provisions, conditions precedent, covenants, events of default and other provisions appropriate for transactions of this size, type and purpose and shall be acceptable to People's and its counsel in every respect. All instruments and documents required hereby or affecting the Premises, or relating to Borrowers' capacity and authority to borrow the Facilities and to execute the loan documents and such other documents, instruments, opinions and assurances as People's and/or its counsel may request and all procedures in connection herewith shall be subject to the approval, as to both form and substance, of People's and its counsel.

## **Financial Statement Reporting:**

- Annual submission of an updated personal financial statement and federal income tax returns from the Individual Guarantor(s) to be provided the earlier of within 30-days of filing but no later than 11/15 annually.
- The Borrower and Guarantor(s) shall provide such other information that People's might reasonably request from time to time.

## **OTHER CONDITIONS:**

***Closing Date:*** this Commitment will expire and People's will have no further obligation to the Borrower hereunder if the Loan has not closed on or before June 29, 2016.

***Assignment:*** Borrower may not assign this letter, or any of its rights or obligations there under and any attempted assignment shall be null and void and without legal effect.

***Conditions Precedent:*** Closing shall be upon the satisfaction of the following conditions, including, but not limited to:

1. All necessary consents and approvals to the financing shall have been obtained by People's.
2. Preparation, execution and delivery of definitive documentation satisfactory to People's.
3. No material misstatements in or omissions from the materials previously furnished to People's for their review.
4. No material adverse change in the assets, financial condition, business, income or prospects of the Borrower since the date of the most recent financial information delivered to People's.
5. The absence of any litigation or other proceeding, the result of which might have a material adverse effect on the Borrower.
6. The absence of any default on any material contract or agreement of the Borrower.
7. No material changes in ownership of the company without People's prior written consent. The identity of the owners is a material consideration to People's issuing this commitment.
8. No material changes in governmental regulation or policy affecting People's, or the Borrower, occurs prior to the Closing Date.

***Default Pricing:*** 5.00% above the then applicable rates.

***Depository Accounts:*** Borrower will maintain its primary depository accounts at People's.

***Encumbrances:*** Borrower agrees to maintain collateral assigned to the Lender free of any liens or encumbrances unless otherwise noted herein.

**Events of Default:** Usual and customary for facilities of this type, including but not limited to, failure to pay any interest or principal when due, failure to comply with covenants, inaccurate or false representations or warranties, insolvency, bankruptcy, cross defaults, change of control, judgment defaults and non-compliance with ERISA.

**Governing Law:** State of New Hampshire

**Indemnification:** Borrower agrees to indemnify and hold People's and their respective shareholders, directors, agents, officers, subsidiaries and affiliates harmless from and against any and all damages, losses, settlement payments, obligations, liabilities, claims, actions or causes of action, reasonable costs and expenses incurred, suffered, sustained or required to be paid by an indemnified party by reason of or resulting from the transactions contemplated hereby except to the extent resulting from the gross negligence or willful misconduct of the indemnified party. In all such litigation, or the preparation therefor, People's shall be entitled to select its own counsel and, in addition to the foregoing indemnity, the Borrower(s) agrees to pay promptly the reasonable fees and expenses of such counsel.

**Insurance:** Borrower shall maintain property and liability insurance policies in form and amount satisfactory to People's listing People's United Bank as loss payee. Insurance clause should read : **People's United Bank, ISAOA ATIMA, PO Box 820, Burlington, VT 05402-0820.**

**Miscellaneous:**

1. Line availability shall be limited to 65% of the account's market value on PUB's Wealth Management account #61-N316-01-5.
2. Limitations on guarantees, liens, investments, loans, asset sales, transactions with affiliates, mergers, and acquisitions without the consent of People's, whose consent shall not be unreasonably withheld.
3. No material change in business, executive management or control, without the consent of People's, whose consent shall not be unreasonably withheld.
4. No change in ownership without People's prior written consent. The identity of the owners is a material consideration to People's issuing this proposal.

**Other Requirements:** The Borrower acknowledges that not every ancillary provision imposing duties, burdens or limitations on it and the Guarantors and to be contained in the final documentation customary for this type of transaction or required as a condition of the closing can be set forth in this letter. All persons or entities responsible for the preparation and/or execution of the instruments specifically required hereby and all obligors thereunder shall be satisfactory to People's.

**MISCELLANEOUS**

**Counterparts:** This document may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed and delivered to People's shall be deemed an original and all of which when taken together shall constitute but one and the same instrument.

**USA PATRIOT Act notification:** To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account.

**What this means for you:**

**When you open a personal or business account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We may also ask to see**

**your driver's license or other identifying documents.**

This letter and the proposed Commitment described herein are delivered to you with the understanding that neither this letter nor the substance of said proposed financing agreement shall be disclosed to anybody outside your organization except to those professional advisors who are in a confidential relationship with you and require knowledge thereof to perform their duties (such as your legal counsel and accountants) or where disclosure is required by operation of law.

Thank you again for this opportunity. We're excited and looking forward to continuing to work with you to meet all of your financing and banking needs.

Sincerely,



---

Peter Giorno  
Senior Vice President, Region Manager  
People's United Bank, N.A.

The terms and conditions of the foregoing Commitment are hereby agreed to and accepted this \_\_\_\_ day of \_\_\_\_\_, 2016

**BORROWER:**

The Hector Cortez Mendez, Jr. Revocable Trust of 2011

By: \_\_\_\_\_  
Hector C. Mendez, Trustee

Date: \_\_\_\_\_

**GUARANTOR:**

\_\_\_\_\_  
Hector C. Mendez, Jr., Individually

Date: \_\_\_\_\_

## Exhibit A

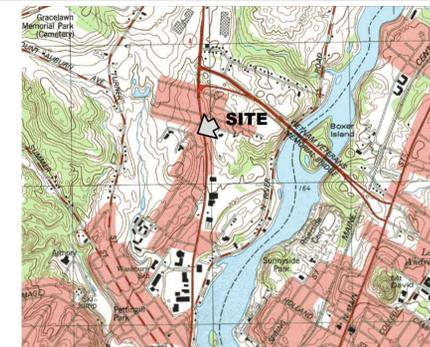
### Definitions:

As defined by Generally Accepted Accounting Principles (GAAP), excluding "COF", "Contra- Accounts", "People's Prime".

CAPEX:	Capital Expenditures.  On a formula basis, it is derived as follows: CAPEX = Net PPE (prior year) - Net PPE (current year) - Depreciation Expense (current year)  Where PPE = Property, Plant, Equipment, Leasehold Improvements and Net PPE = Gross PPE - Accumulated Depreciation.
COF	People's Cost of Funds.
Consolidated:	Consolidated financials as defined in Borrower(s)' most recent accountant prepared annual financial statement.
Contra- Accounts	From a borrowing base perspective for accounts receivable, contra accounts would include, among other items: 1) Accounts where Borrower(s) has both an account receivable from a customer and an account payable to the same customer. The A/R balance minus the A/P balance would be eligible.  2) Intercompany A/R's from related entities or individuals.
Distributions:	Includes distributions, dividends, or any other owner / shareholder / member withdrawals which reduce NW or TNW.
LTD	Long-Term Debt.
NPAT:	Net Profit After Tax.
NW:	Net Worth. On a formula basis, it is derived as follows: Total Assets – Total Liabilities = Net Worth.
People's Prime:	Shall mean that annual rate of interest from time to time announced by People's at its head office as its prime commercial lending rate.
Sub Debt	Subordinated Debt (subordinated to senior bank debt).
TL:	Total Liabilities.
TNW:	Tangible Net Worth. Net Worth minus intangibles such as goodwill, patents, marketing rights, etc.

410 CENTER ST  
10 BLACKMERE ST  
18 W DARTMOUTH ST  
AUBURN ME

NHGLAZE LLC  
26 THE FLUME  
AMHERST NH



LOCATION MAP: USGS QUADRANGLE: LEWISTON  
MAPTECH® USGS TOPOGRAPHIC SERIES™,  
©MAPTECH®, INC. 978-933-3000  
WWW.MAPTECH.COM/TOPO

**LEGEND:**

DESCRIPTION	EXISTING	PROPOSED
BENCHMARK	●	●
PIN FOUND	○	○
PIPE FOUND	○	○
UTILITY POLE	○	○
CATCH BASIN	□	■
DRAINAGE MANHOLE	⊕	N/A
SANITARY MANHOLE	⊕	N/A
WATER VALVE	WV	N/A
SIGN	—	—
BUILDING MOUNTED LUMINAIRE (FULL CUT OFF)	NA	▲
SITE LIGHT (FULL CUT OFF)	NA	☆
ROADWAY LIGHT	★	NA
PROPERTY LINE	---	---
CURBING	---	---
EDGE OF PAVEMENT	---	---
EDGE OF GRAVEL	---	NA
MAJOR FOOT CONTOUR	---	---
MINOR FOOT CONTOUR	---	---
WATER LINE	WL	WL
SANITARY SEWER LINE	SS	SS
GAS LINE	GAS	GAS
STORM DRAIN	SD	SD
UNDERDRAIN	UD	NA
OVERHEAD UTILITY LINE	OHL	NA
UNDERGROUND UTILITY LINE	NA	UGU
SILT FENCE	NA	SF
BUILDING SETBACK	---	---
CHAINLINK FENCE	X	NA
STOCKADE FENCE	---	NA
GRAVEL SURFACE	---	---
GRAVEL TO BE REMOVED	NA	---
RECYCLED ASPHALT SURFACE	NA	---
PAVED SURFACE	---	---
CONCRETE PAD	NA	---
TREELINE	---	---
TREES	☆	☆

**NOTES:**

- THIS PLAN DEPICTS TOPOGRAPHY AS FOUND AND SURVEYED BY CES ON JUNE 14, 2016.
- BEARINGS SHOWN REFER TO GRID NORTH, MAINE WEST ZONE (1801) - REFERENCE FRAME: NAD83. ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88). BOTH ARE BASED ON STATIC GPS OBSERVATIONS PROCESSED BY OPUS.
- THERE MAY BE ADDITIONAL UNDERGROUND WIRES, CABLES, UTILITIES, AND/OR STRUCTURES NOT SHOWN ON THIS PLAN. THE LOCATIONS SHOWN HEREON ARE BASED UPON SURFACE FEATURES VISIBLE AT THE TIME OF THE SURVEY AND PAINT MARKINGS BY DIG-SAFE. NO EXCAVATIONS WERE MADE DURING THE COURSE OF THIS SURVEY TO VERIFY AND/OR LOCATE ANY UNDERGROUND STRUCTURES. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE LOCATION OF ANY UNDERGROUND UTILITIES PRIOR TO EXCAVATION BY CONTACTING THE APPROPRIATE UTILITY COMPANY OR BY CALLING DIG-SAFE AT 1-888-344-7233.

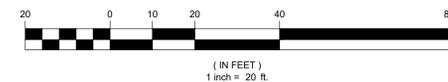
**SITE DATA:**

CITY OF AUBURN TAX MAP 271/LOTS 50 AND 45, MAP 281/LOT1  
CUMULATIVE LOT SIZE APPROX. 1.2 ACRES  
ZONING DISTRICT: GENERAL BUSINESS / URBAN RESIDENTIAL  
PARKING:  
REQUIRED = 32 SPACES  
PROVIDED = 46 SPACES

**DEVELOPMENT TABULATION**

DESCRIPTION	PRE DEVELOPMENT	POST DEVELOPMENT
GRAVEL	5,859 SF	0
PAVEMENT	13,100 SF	29,426 SF
BUILDINGS	9,996 SF	9,097 SF
PERVIOUS AREA - DEVELOPED	16,919 SF	14,620 SF
PERVIOUS AREA - UNDEVELOPED	7,269 SF	0
TOTAL IMPERVIOUS AREA	28,955 SF	38,523 SF
LOT AREA	53,143 SF (1.22 ACRES)	

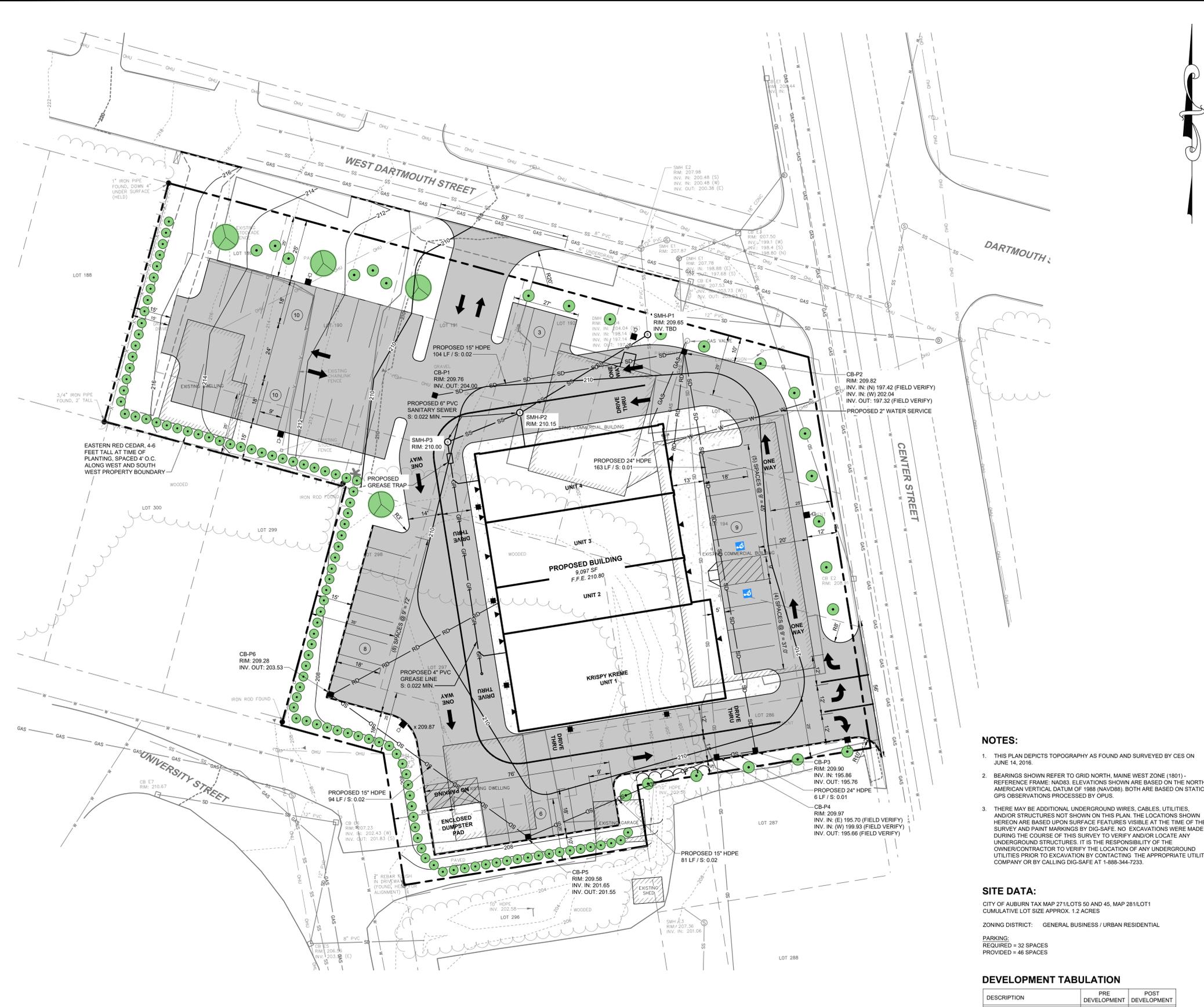
**PROPOSED SITE PLAN  
FOR  
KRISPY KREME  
CENTER STREET, AUBURN, MAINE  
GRAPHIC SCALE**



**C101**

**LUMINAIRE SCHEDULE**

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
□	A	6	ARE-EDG-3M-05-E-L-04-700-40K-002 (BIXALX309E-UD7)	Creo Edge Area, Type III Medium, 4000K	Silly White LED's, Vertical Base-Up Position	ARE-EDG-3M-05-E-L-04-700-40K-002	Absolute 132.3	0.81	132.3
■	C	5	TRP-30LAK-035-3	TRP GEOMETRIC SCORCE 4200K, 350 mA, TYPE 3 LENS	30 - NICHIA 4200K LEDS	TRP-30LAK-035-3-168	Absolute 34.4	0.81	34.4



**rtb Design**  
Building Design  
Interior Design  
Construction Management  
8 JACKSON HILL RD  
Leverett, MA 01054  
Tel: 413.237.6675  
rtbDesign@MSN.COM



**CES INC**  
Engineers • Environmental Scientists • Surveyors

**TEC ENGINEERING, LLC**  
Bushnell on the Park  
100 Wells Street - Suite 2K  
Hartford, CT 06103  
860.522.3970  
860.522.3971 - fax  
CONSULTING STRUCTURAL ENGINEERING



ISSUED FOR PLANNING BOARD REVIEW  
Copyright rtb DESIGN 2016

No.	Date	Description

Project Number: 02013-2 Drawn By: BLQ  
CES 11813.001

Date: JULY 12, 2016  
Scale: 1" = 20'-0"  
Drawing Title: PROPOSED SITE PLAN

Drawing Number: C101



## PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

Re: 204 Minot Avenue Auto Sales- Phase 2 and Phase 1 Amended- Special  
Exception and Site Plan Review

Date: August 9, 2016

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I. PROPOSAL- John Vallaries, owner of 204 Minot Avenue is seeking Special Exception and Site Plan Review approval of a Phase 2 area and an amended Phase 1 area. The Planning Board approved Phase 1 of an Auto Sales and Service proposal at 204 Minot Avenue on September 15, 2015. Since that time, Mr. Vallaries purchased additional adjacent property from Central Maine Railroad and wants to expand his auto sales business into this adjacent property. The property is zoned General Business and Auto Sales and Service is a Special Exception and Site Plan Review.

The site (both phase 1 and 2) is a narrow, non-conforming lot that is bounded by High Street to the south, Minot Ave. to the west and railroad tracks to the east. The applicant is seeking a waiver of Chapter 60-607 (13 ,d) Off Street Parking which requires a 10 foot landscape buffer in any front yard adjacent to a street right of way.

- II. DEPARTMENT REVIEW-
- a. Police- No comments.
  - b. Auburn Water and Sewer- No comments. Sewer and water service is not used for Phase 2.
  - c. Fire Department- No comments.
  - d. Engineering- No comments.
  - e. Public Services- Mentioned this is a difficult are snow plowing/removal especially for the sidewalk area.
  - f. Planning and Development- Has discussed the applicant's waiver request and ways to provide alternative landscaping if a waiver request is granted.

III. PLANNING BOARD ACTION- The Planning Board will consider how the application meet the requirements of the Special Exception and Site Plan Review Laws and consider a waiver request.

A. 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.”*

The zoning ordinance describes the conditions needed for approval of a Special Exception. **Sec. 60-1336. Conditions-** 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-** The Planning Board will consider a waiver request to a 10 foot landscape buffer along Minot Avenue.
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. **STAFF COMMENT-** Applicant complies.
- (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-** Applicant complies.
- (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-** Applicant has made an effort to improve the appearance of the former gas station and property.
- (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-** The property at 204 Minot Avenue is a narrow, non-conforming lot and is a difficult property to develop. With that in mind, the Planning Board should consider if the applicant has found acceptable ways to meet the intent of the 10 foot landscape buffer regulation.

- (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 condition is subject to the action the Planning Board takes on the waiver request.
- (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-** Applicant complies.

**In Summary, the applicant has adequately addressed criteria 2, 3, 4 and 7. Criteria's 1, 5 and 6, which relate to the waiver request need further consideration by the Planning Board.**

**B. 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; **STAFF COMMENT-** Applicant complies.
- (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; **STAFF COMMENT-** Applicant complies.
- (3) Adequacy of the methods of disposal for wastes; **STAFF COMMENT-** Applicant complies.
- (4) Protection of environment features on the site and in adjacent areas. **STAFF COMMENT-** Applicant complies.

**In Summary, the applicant has adequately met the 4 Site Plan Objectives.**

**C. WAIVER REQUEST:** The applicant is requesting the following waiver:

1. **Chapter 60-607 (13, d) Off Street Parking**, which requires a 10 foot landscape buffer in any front yard adjacent to a street right of way. Due to severe site constraints of a very narrow lot, the applicant requests a waiver from the 10' buffer along Minot Avenue:

The Site Plan Ordinance Section 60-1312 (Site Plan Review) allows the Planning Board to modify dimensional requirements as long the objectives and intent of Site Plan Review is carried out. A late revision was brought to the Staff on Friday morning and the Staff will not make a recommendation in this staff report.

#### IV. STAFF RECOMMENDATION- NO RECOMMENDATION AT THIS TIME

The major issue for the Planning Board to decide is the waiver request of Section 60-607 (13, d) **Off Street Parking**, which requires a 10 foot landscape buffer in any front yard adjacent to a street right of way. The Staff did not have enough time to consider a revised site plan that was brought in to our office on Friday morning. The Planning Board and Staff will have time leading up to the meeting to evaluate if the applicant's revised site plan is able to provide acceptable ways of landscaping and beautifying the difficult to develop site.

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

**NOTES:**

- 1) ALL BEARINGS REFER TO MAGNETIC NORTH AS SHOWN ON THE PLAN REFERENCED IN NOTE 8A BELOW.
- 2) ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS (ACRD).
- 3) OWNER OF RECORD, JOHN M. VALLIERES, SEE DEED FROM LEE MILIT'S PETROLEUM, INC. DATED SEPTEMBER 25, 2012 RECORDED IN THE ACRD IN BOOK 8801 PAGE 185. ALSO SEE DEED FROM MAINE CENTRAL RAILROAD COMPANY DATED OCTOBER 30, 2018, RECORDED IN THE ACRD IN BOOK 9311 PAGE 315.
- 4) PARCEL IS DELINEATED ON THE CITY OF AUBURN'S GIS/TAX MAP 230 LOT 159 & PORTION OF LOT 156.
- 5) CURRENT ZONING: THE PROPERTY IS LOCATED IN THE GENERAL BUSINESS DISTRICT. YOU SHOULD CONSULT WITH THE CITY OF AUBURN'S LAND USE ORDINANCE AND THE CODE ENFORCEMENT OFFICER IN REGARDS TO THE PARTICULARS TO THESE ZONES. FOR SETBACKS SEE CODE OF ORDINANCES CITY OF AUBURN, CHAPTER 60 ZONING, ARTICLE IV DISTRICT REGULATIONS, DIVISION 12 GENERAL BUSINESS DISTRICT, SEC 60-500 DIMENSIONAL REGULATIONS.
- 6) PLAN REFERENCE:
  - A.) 'SITE PLAN' BY CULLENBERG LAND SURVEYING DATED JANUARY 3, 2013, (UNRECORDED)
  - B.) 'STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP' DATED AUGUST 1989, RECORDED IN THE ACRD IN PLAN BOOK 31 PAGE 55.
  - C.) 'LAND IN AUBURN MAINE, MAINE CENTRAL RAILROAD TO JOHN M. VALLIERES' BY SURVEYWORKS INC. DATED DECEMBER 9, 2018, (UNRECORDED)
- 7) THE DEPTH, SIZE, LOCATION, EXISTENCE, NONEXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES WERE NOT LOCATED AS PART OF THIS SURVEY. YOU ARE REQUIRED TO NOTIFY DIG SAFE OR OTHER QUALIFIED AGENCIES TO LOCATE ALL UNDERGROUND UTILITIES AND STRUCTURES BEFORE BEGINNING ANY EXCAVATION.
- 8) THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 10) THE PARCEL IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE TOWN OF AUBURN'S FLOOD INSURANCE RATE MAP, PANEL 328 OF 410, MAP NUMBER 23001C0328E EFFECTIVE DATE JULY 08, 2013.

**LANDSCAPE NOTE:**

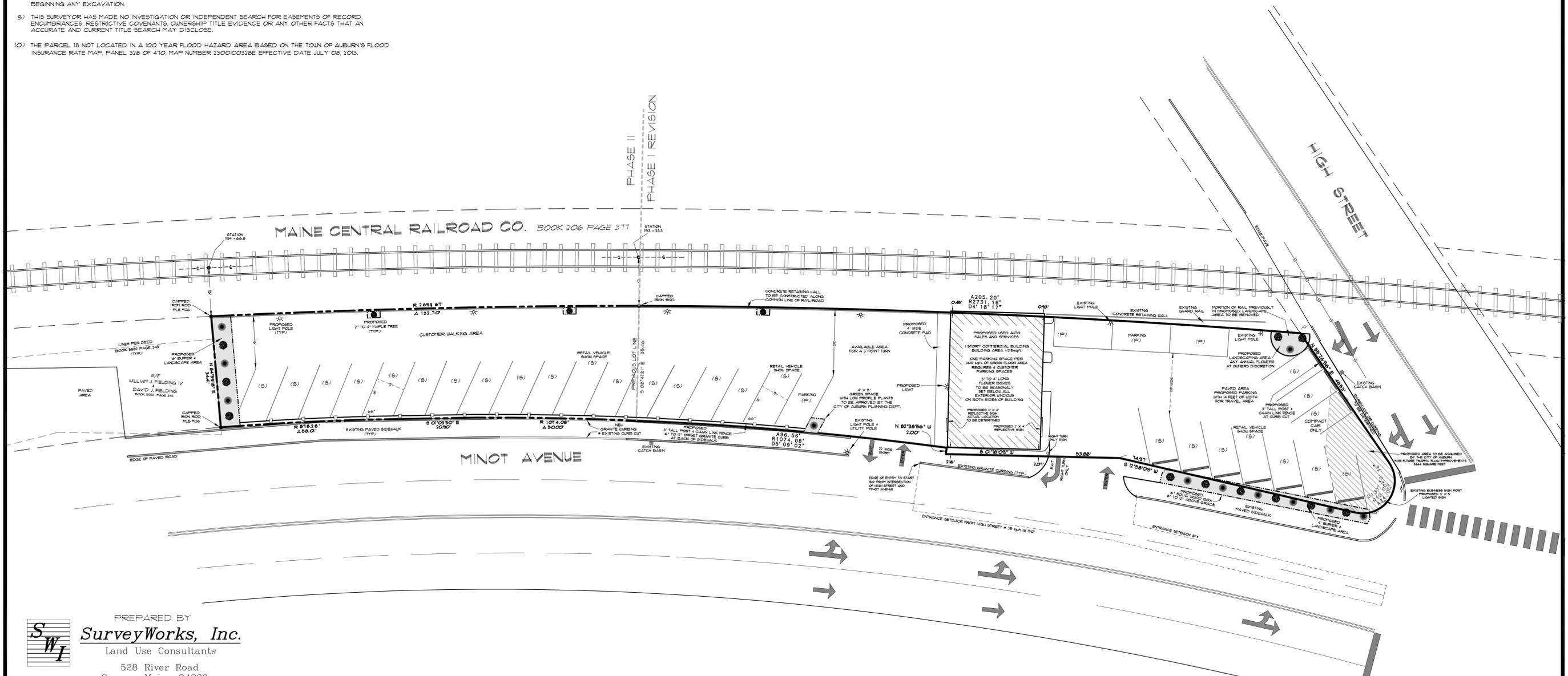
THE FOLLOWING LANDSCAPE AREAS SHALL BE APPROVED BY THE CITY PLANNER PRIOR TO INSTALLATION  
 THE LANDSCAPE AREA AT THE NORTHERN BOUNDARY SHALL BE OF EVERGREEN OR DECIDUOUS SHRUBS PLANTED 3 FOOT ON CENTER AND MAINTAINED AT BETWEEN 24" AND 36" TALL.

SITE PLAN  
**PHASE I REVISION & PHASE II**  
**"VALLIERES AUTO SALES & SERVICES"**

204 MINOT AVENUE      AUBURN, MAINE  
 ANDROSCOGGIN COUNTY

PREPARED FOR & OWNER OF RECORD  
**JOHN M. VALLIERES**

18 VALLIERES LANE      DURHAM, MAINE 04222



PREPARED BY  
**SurveyWorks, Inc.**  
 Land Use Consultants  
 528 River Road  
 Greene, Maine 04236  
 (207) 946-4480

**AUGUST 4, 2016**  
 DATE

FOR SURVEYWORKS, INC.



JOB NO. 15-4031

PLAN SHALL BE CONSIDERED PRELIMINARY  
 SUBJECT TO CHANGE UNLESS INDICATED HERE

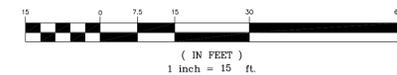
**RECORDING DATA**

ANDROSCOGGIN COUNTY REGISTRY OF DEEDS  
 RECEIVED \_\_\_\_\_ AT \_\_\_\_\_ M  
 AND RECORDED IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST \_\_\_\_\_  
 REGISTRAR

**APPROVAL**

CITY OF AUBURN PLANNING BOARD  
 CHAIR \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**GRAPHIC SCALE**





**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

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

Re: 62 Spring Street, Amended Special Exception and Site Plan Review

Date: August 9, 2016

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I. PROPOSAL- The Auburn Housing Development Corporation is seeking approval of a Special Exception and Site Plan Review for a 4 story mixed use building at 62 Spring Street. The project proposes 2,400 sf of ground floor retail space and 40 apartments, 9 two bedroom units and 31 one bedroom units.

This project is very similar to a mixed used development proposal that had been approved by the Planning Board in 2014 and 2015. The major differences are changes to the parking design, the addition of 1 more apartment unit and the land is now zoned T-5.1 Downtown Traditional Center and will be reviewed by those development regulations.

II. DEPARTMENT REVIEW- This application was reviewed by the Plan Review Committee on July 15<sup>th</sup>. In general, the Committee is supportive of the amended project as it is generally similar to the previous plan.

- a. Police- No Comments.
- b. Auburn Water and Sewer- No Comments.
- c. Fire Department-No Comments.
- d. Engineering- No Comments.
- e. Public Services-No Comments.
- f. Planning and Development- At the July 15 Plan Review Committee Meeting, Rick Whiting, Director of the Auburn Housing Authority, mentioned that a neighborhood meeting was held and there is interest in maintaining an existing walkway connection from Spring Street to Pleasant Street. The Planning Staff will provide a detailed report on the project's compliance with the new Form Base Code later in the staff report.

III. PLANNING BOARD ACTION- This application is the first Planning Board application using the newly adopted Form Based Code. Because the proposal is for a

building over 12,000 sf, it must go before the Planning Board as a Special Exception and Site Plan Review.

**A. 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.”*

The zoning ordinance describes the conditions needed for approval of a Special Exception. **Sec. 60-1336. Conditions-** 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- Applicant complies.**
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. **STAFF COMMENT- Applicant complies.**
- (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- Applicant complies.**
- (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- Applicant complies.**
- (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- Applicant complies.**
- (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- Applicant complies.**
- (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- Applicant complies.**

**In Summary, the applicant has adequately addressed the seven Special Exception criteria.**

**B. 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; **STAFF COMMENT-** Applicant complies.

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; **STAFF COMMENT-** Applicant complies.

(3) Adequacy of the methods of disposal for wastes; **STAFF COMMENT-** Applicant complies.

(4) Protection of environment features on the site and in adjacent areas. **STAFF COMMENT-** Applicant complies.

**In Summary, the applicant has adequately met the 4 Site Plan Objectives.**

**C. COMPLIANCE WITH FORM BASED CODE-** The Staff reviewed the application with the understanding that the Planning Board had reviewed and taken action on the project two times, in 2014 and a reapproval in 2015. The revised plan for 62 Spring Street is very similar to the one approved back in 2014. As of May 16<sup>th</sup>, when the City Council made the final adoption of Auburn's Form Based Code all new projects within its boundaries must be review under the Form Based Code. The project is located in the T-5.1 Downtown Traditional Center and will be reviewed under those regulations. As you can see, there are 5 areas that do not comply with the T 5.1 Downtown Traditional Center regulations:

1. Frontage Build-out (75%)- Proposed build-out is 170' vs. 219' on existing lot.
2. Lot Width- Maximum is 160', applicant's lot is a pre-existing lot of 292'.
3. Building Width 150' Maximum- Applicant proposes a 170' building.
4. Driveway Width- 20' Maximum- Applicant proposes 24'.
5. Parking Location- 60' width or 40% of lot width- Proposal has two 60' wide parking areas and a total parking width of 41%.

The Staff created a Form Based Code Checklist to help in the review. (See next page.)

**CITY OF AUBURN**  
**Form Based Code Compliance Checklist**

Property Location:	62 Spring St	PID #:240-257
Transect District:	T 5.1 Downtown Traditional Center	
Owner:	Auburn Housing Development Corp.	Contact Info:
Plan Type: (Circle)	<u>Site Plan Review, Special Exception,</u> Subdivision, Staff Review	
Reviewed By:	Staff, Plan Review Group, Planning Board	

Complies With:	Required	Complies	Not Comply	N/A
Plan Requirements:				
Intent and Purpose	X			
Surrounding Info (Photos, Mapping, Sketches)	X			
Topographic Info (FP, Steep Slopes)	X			
Elevations	X			
Materials				
Fencing				
Signage				
Building Placement:				
Front Set-Back (Principal Street)	X			
Front Set-Back (Secondary Street)	X			
Side Yard Set-Back	X			
Rear Yard Set-Back	X			
Building Coverage	X			
Useable Open Space	X			
Frontage Build-Out (WAIVER REQUEST)	X		X	
Lot Width (Min./Max) (WAIVER REQUEST)	X		X	
Building Width (WAIVER REQUEST)	X		X	
Building Height	X			
Frontage Type	X			
Primary Entrance on Front	X			
Ground Story Windows and Doors Coverage	X			
Upper Story Windows Coverage	X			
Ground Floor Elevation (Residential/Commercial)	X			
Front Facade Wall	X			
External Elements:				
Front Yard Fence	Optional			
Projections	Optional			
Driveway Width (WAIVER REQUEST)	X		X	
Parking Location (WAIVER REQUEST)	X		X	
Accessory Building(s)	Optional			
Landscaping	Optional			
Sidewalk	X			
Proposed Use:				
Residential, Commercial ,Mixed-Use	X			
Parking Requirement-	X			

The applicant has submitted a revised narrative that addresses these waiver requests.

IV. **STAFF RECOMMENDATION-** The Staff recommends **APPROVAL** of the Special Exception and Site Plan Review for the mixed use development at 62 Spring Street, which is located in the T 5.1, Downtown Traditional Center with the following findings:

1. The application meets the 7 conditions of **Sec. 60-1336 Special Exception**.
2. The application meets the 4 Objectives of **Sec. 60-1277 Site Plan Law**.
3. The application meets the intent and purpose of the Form Based Code Ordinance Section 60-546 Purpose.
4. The application substantially meets the requirement of Sections 60-550 T 5.1 Downtown City Center, 550.1 Building Placement and Configuration, 550.2 Building Frontages and 550.3 External Elements.

Waiver Requests- The Staff recommends **APPROVAL** of the following waiver requests:

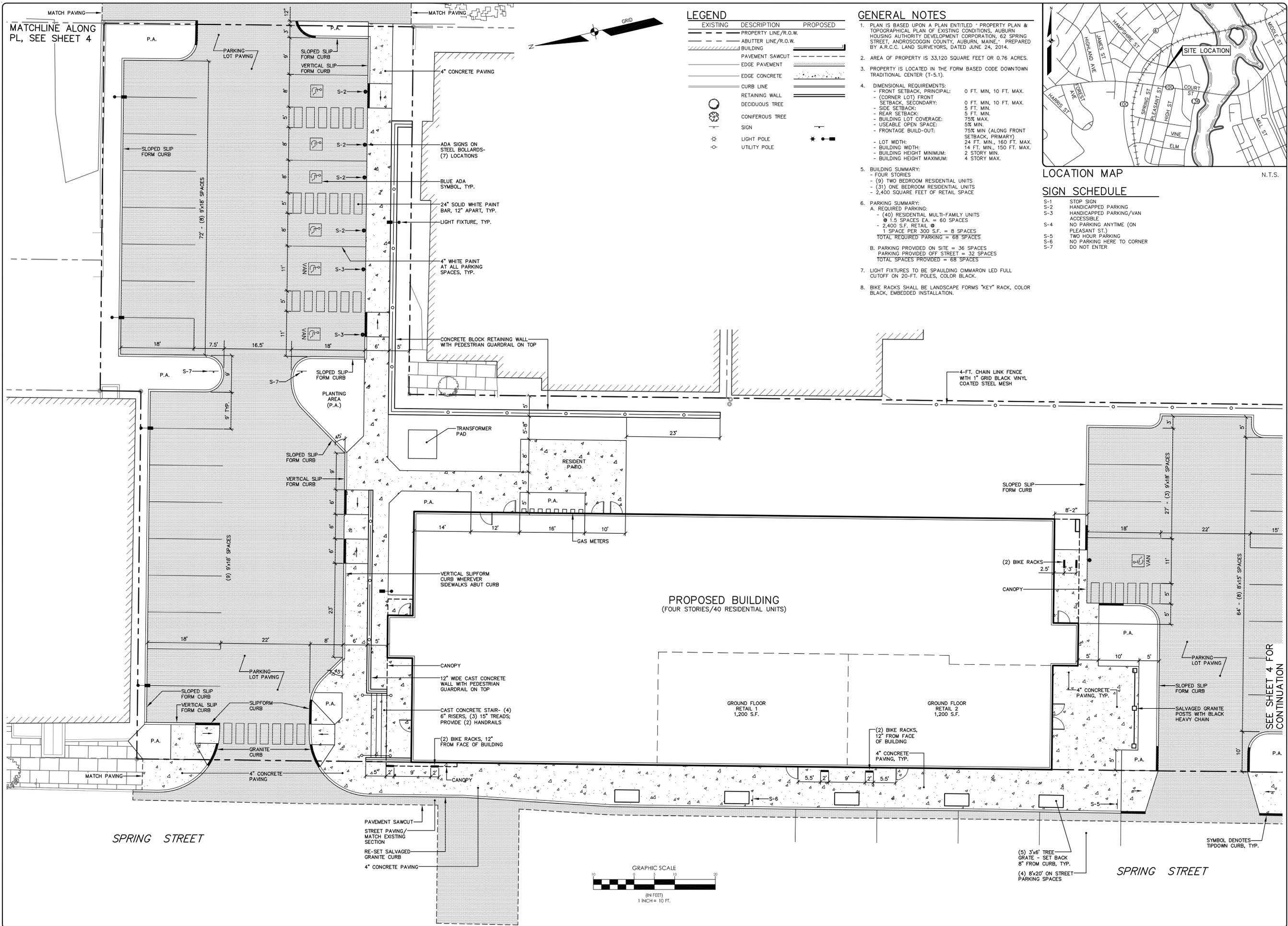
- a) Frontage Build-out (75%)- Proposed build-out is 170' vs. 219' on existing lot. The property at 62 Spring Street is an existing lot and the project was previously approved by the Planning Board.
- b) Lot Width- Maximum is 160', applicant's lot is a pre-existing lot of 292'.
- c) Building Width 150' Maximum- Applicant proposes a 170' building on a larger, pre-existing lot of 292 feet in width.
- d) Driveway Width- 20' Maximum- Applicant proposes 24'. The applicant's proposed 24' wide driveway is a reasonable width. The Staff also recommends the Planning Board consider a text amendment to change this dimension.
- e) Parking Location- 60' width or 40% of lot width- Proposal has two 60' wide parking areas and a total parking width of 41%. The applicant previously had under the building, ground floor parking and has changed the plan to 2 surface parking areas. Both parking areas are located on the sides not the front of the building, which meets the intent of the Form Based Code.

Conditions: Should the Planning Board approve this application, the following conditions shall apply.

1. No development activity shall occur until bonding and inspection fees are determined by the Division of Engineering.



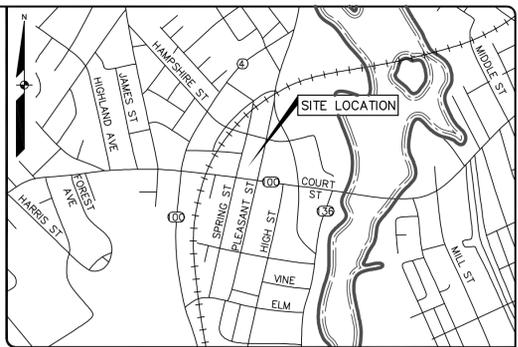
Douglas M. Greene, A.I.C.P., R.L.A.  
City Planner



**LEGEND**

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE/R.O.W.	---
---	ABUTTER LINE/R.O.W.	---
---	BUILDING	---
---	PAVEMENT SAWCUT	---
---	EDGE PAVEMENT	---
---	EDGE CONCRETE	---
---	CURB LINE	---
---	RETAINING WALL	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	SIGN	---
---	LIGHT POLE	---
---	UTILITY POLE	---

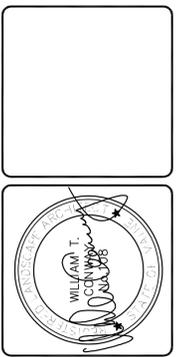
- GENERAL NOTES**
- PLAN IS BASED UPON A PLAN EXISTING "PROPERTY PLAN & TOPOGRAPHICAL PLAN OF EXISTING CONDITIONS, AUBURN HOUSING AUTHORITY DEVELOPMENT CORPORATION, 62 SPRING STREET, ANDROSCOGGIN COUNTY, AUBURN, MAINE," PREPARED BY A.R.C.C. LAND SURVEYORS, DATED JUNE 24, 2014.
  - AREA OF PROPERTY IS 33,120 SQUARE FEET OR 0.76 ACRES.
  - PROPERTY IS LOCATED IN THE FORM BASED CODE DOWNTOWN TRADITIONAL CENTER (T-S.1).
  - DIMENSIONAL REQUIREMENTS:**
    - FRONT SETBACK, PRINCIPAL: 0 FT. MIN, 10 FT. MAX.
    - (CORNER LOT) FRONT SETBACK, SECONDARY: 0 FT. MIN, 10 FT. MAX.
    - SIDE SETBACK: 5 FT. MIN.
    - REAR SETBACK: 5 FT. MIN.
    - BUILDING LOT COVERAGE: 75% MAX.
    - USEABLE OPEN SPACE: 5% MIN.
    - FRONTAGE BUILD-OUT: 75% MIN (ALONG FRONT SETBACK, PRIMARY) 24 FT. MIN., 160 FT. MAX.
    - LOT WIDTH: 14 FT. MIN., 160 FT. MAX.
    - BUILDING WIDTH: 24 FT. MIN., 150 FT. MAX.
    - BUILDING HEIGHT MINIMUM: 2 STORY MIN.
    - BUILDING HEIGHT MAXIMUM: 4 STORY MAX.
  - BUILDING SUMMARY:**
    - FOUR STORIES
    - (9) TWO BEDROOM RESIDENTIAL UNITS
    - (31) ONE BEDROOM RESIDENTIAL UNITS
    - 2,400 SQUARE FEET OF RETAIL SPACE
  - PARKING SUMMARY:**
    - A. REQUIRED PARKING:**
      - (40) RESIDENTIAL MULTI-FAMILY UNITS @ 1.5 SPACES EA. = 60 SPACES
      - 2,400 S.F. RETAIL @ 1 SPACE PER 300 S.F. = 8 SPACES
      - TOTAL REQUIRED PARKING = 68 SPACES
    - B. PARKING PROVIDED ON SITE = 36 SPACES**
    - PARKING PROVIDED OFF STREET = 32 SPACES**
    - TOTAL SPACES PROVIDED = 68 SPACES
  - LIGHT FIXTURES TO BE SPAULDING CIMMARON LED FULL CUTOFF ON 20-FT. POLES, COLOR BLACK.
  - BIKE RACKS SHALL BE LANDSCAPE FORMS "KEY" RACK, COLOR BLACK, EMBEDDED INSTALLATION.



**LOCATION MAP**

**SIGN SCHEDULE**

WTC	CHECKED
S-1	STOP SIGN
S-2	HANDICAPPED PARKING
S-3	HANDICAPPED PARKING/VAN ACCESSIBLE
S-4	NO PARKING ANYTIME (ON PLEASANT ST.)
S-5	TWO HOUR PARKING
S-6	NO PARKING HERE, TO CORNER
S-7	DO NOT ENTER



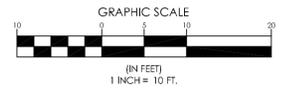
DESIGNED	CHECKED
WTC	WTC

B WTC 08-03-16 RESUBMIT TO CITY  
A WTC 07-07-16 SITE PLAN APPLICATION TO CITY  
REV. BY: DATE: STATUS:  
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

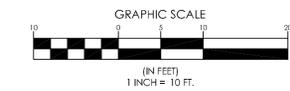
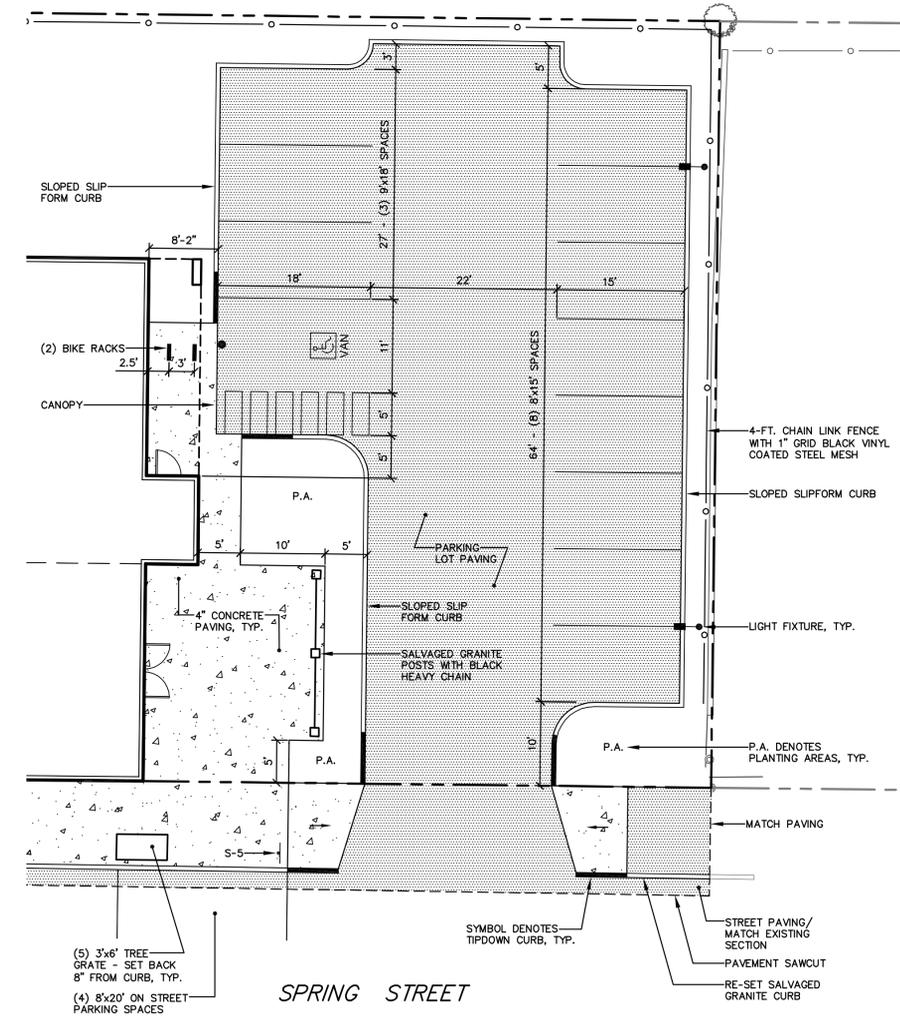
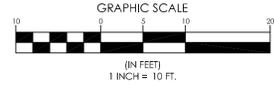
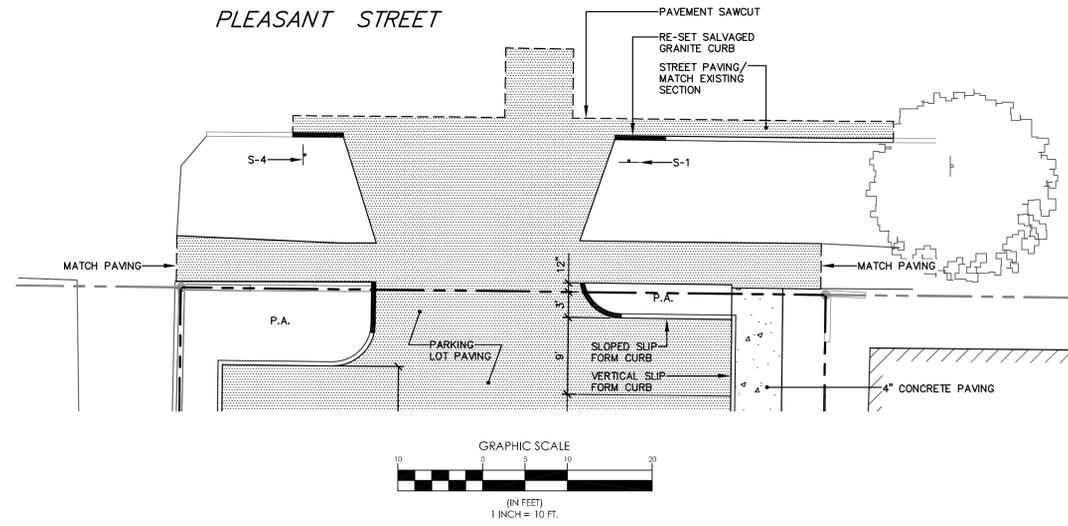
**SEBAGO TECHNICS**  
WWW.SEBAGO-TECHNICS.COM  
79 John Roberts Rd., Suite B  
South Portland, ME 04106  
Tel. 207-200-2100 Tel. 207-783-5656

**SITE PLAN OF: SPRING STREET SITE**  
62 SPRING STREET  
AUBURN, MAINE  
FOR: **ANEW DEVELOPMENT, LLC**  
30 DANFORTH STREET, SUITE 213  
PORTLAND, MAINE 04112

PROJECT NO. 14127 SCALE 1"=10'  
SHEET 3 OF 10



SEE SHEET 4 FOR CONTINUATION

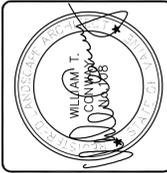


**SIGN SCHEDULE**

- S-1 STOP SIGN
- S-2 HANDICAPPED PARKING
- S-3 HANDICAPPED PARKING/VAN ACCESSIBLE
- S-4 NO PARKING ANYTIME (ON PLEASANT ST.)
- S-5 TWO HOUR PARKING
- S-6 NO PARKING HERE TO CORNER
- S-7 DO NOT ENTER

**LEGEND**

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE/R.O.W.	---
---	ABUTTER LINE/R.O.W.	---
	BUILDING	
---	PAVEMENT SAWCUT	---
---	EDGE PAVEMENT	---
---	EDGE CONCRETE	---
---	CURB LINE	---
---	RETAINING WALL	---
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○
+	SIGN	+
*	LIGHT POLE	*
○	UTILITY POLE	○



DESIGNED	CHECKED
WTC	WTC
B WTC 08-03-16 RESUBMIT TO CITY A WTC 07-07-16 SITE PLAN APPLICATION TO CITY REV. BY: DATE: STATUS: THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.	

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 WWW.SEBAGOTECHNICS.COM  
 75 John Roberts Rd., Suite B 04240  
 South Portland, ME 04106  
 Tel. 207-200-2100 Tel. 207-783-5656

**SITE PLAN OF:**  
**SPRING STREET SITE**  
 62 SPRING STREET  
 AUBURN, MAINE  
**FOR:**  
**ANEW DEVELOPMENT, LLC**  
 30 DANFORTH STREET, SUITE 213  
 PORTLAND, MAINE 04112

PROJECT NO.	SCALE
14127	1" = 10'

14127S2.dwg, TAB: S2





EAST ELEVATION

NORTH ELEVATION



SOUTH ELEVATION

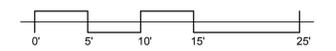


WEST ELEVATION



ANEW-AUBURN HOUSING - 62 SPRING STREET - AUBURN, ME

# SCHEMATIC ELEVATIONS



06 July 2016



ANEW-AUBURN HOUSING - 62 SPRING STREET - AUBURN, ME

# SCHEMATIC SITE PLAN & 3D VIEW

06 July 2016



July 7, 2016  
14127

Mr. Douglas Greene, A.I.C.P., City Planner  
Department of Planning, Permitting & Code Enforcement  
City of Auburn  
60 Court Street  
Auburn, ME 04210

**Amended Site Plan / Special Exception Application: 62 Spring St. Apartments**

Dear Mr. Greene:

On behalf of the Auburn Housing Development Corporation (AHDC), we are requesting Site Plan and Special Exception amended approvals for the construction of a new building on the site of the former Dillingham Funeral Home at 62 Spring Street. The project proposes to construct a four story building with apartments, 2,400 square feet of retail space and a common areas on the first floor and residential apartments on the second, third and fourth floor. There will be 40 apartments with 9 – 2 bedroom units and 31 – 1 bedroom units. The site has frontage on Spring St. and on Pleasant St. In addition to the new building, we will be constructing 36 parking spaces, including 7 handicap spaces. A new sidewalk will provide pedestrian access between Spring St. and Pleasant St. Landscaping, including street trees adjacent to Spring St., will buffer the site.

This proposed amended plan is very similar to the currently approved plan, increasing the number of apartments from 39 to 40 units. Our application consists of (7) sections consisting of the development review application and checklist; project maps; right, title and interest; a stormwater letter; building elevations, perspectives and floor plans; a parking narrative and the project plans (See Table of Contents ).

The existing project site is identified as lot 257 on the City of Auburn Tax map 240. The site is not located within the 100-year flood zone. The current schedule after receiving Planning Board approval will be to submit a request for tax credits through Maine Housing in the fall of 2016. Construction to begin in 2017 with completion and opening of the project in 2018.

With the recent zoning change the property is now located in the T5.1 Downtown Traditional Center district. In accordance with the requirements of Section 60-555 B.(3) this project requires a Special Exception approval, because it involves the construction of a new building in excess of 12,000 square feet. In order for a project to be approved as a Special Exception it must meet seven conditions. Following, we have listed the seven conditions in italics with our evidence that we meet each condition:

- 1) *That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.*

We do not believe there are any “specific requirements” relative to this project.

- 2) *That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.*

The project will generate 32 AM peak hour trips and 31 PM peak hour trips. This is significantly less than the peak hour trips generated by the funeral home, which regularly exceeded 80 trips in the peak hour. For comparison, a project to develop a new funeral home in Lewiston generated 188 trips in the PM peak hour. The decrease in the peak hour trips will result in this project reducing the impact on traffic from this site. The proposed building will be new construction and will have to meet all of the current building and life safety codes, including the installation of sprinklers and fire alarms. This project will not create a fire or 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.*

Based on our discussions with City staff and review of the applicable codes, plans and studies, this project 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.*

The proposed project consists of retail and residential uses, which are the same or are compatible with the surrounding uses. An existing old building that closely abutted several adjacent properties has been demolished to make way for this project. The new building will be situated away from the surrounding building and the property will include increased green space and landscaping. It is our opinion that this project will not depreciate the value of the surrounding properties and may increase their value.

- 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.*

The attached site plans, perspective drawings, building elevations and other information submitted with this application clearly show that we meet this condition.

- 6) *That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the building code and by the provisions of this chapter.*

The attached site plans, perspective drawings, building elevations and other information submitted with this application clearly show that we meet this condition.

As a part of obtaining our building, electrical, plumbing, life safety and other permits, we must comply with all of the code requirements.

*7) That the essential city services which will be required for the project are presently available without disrupting the City's master development plan.*

All City services required for this project are currently available at the site and this project will not disrupt the City's master development plan.

Included in this application is a letter to Richard S. Whiting of AHDC from Sebago Technics dated July 7, 2016 indicating that there will be a reduction in the amount of impervious surface between the existing condition and the proposed condition. The existing condition has 28,815 square feet of impervious area and the proposed condition has 25,798 square feet for a reduction of 3,017 square feet. The site currently sheet flows most of its stormwater runoff to Spring St. with a small amount going to Pleasant St. We are proposing to use a closed drainage system meeting the stormwater BMP requirements with a small amount of sheet flow to Pleasant St. The reduction in impervious surface reduces the stormwater runoff from the site and precludes the need for further stormwater management.

As noted previously, this project will generate 32 AM peak hour trips and 31 PM peak hour trips. This is significantly less than the 100 trip peak hour threshold that requires a Traffic Movement Permit. This amount is also significantly less than the peak hour trips generated by the previous funeral home use. Using the criteria used to determine peak hour trips for a funeral home development in Lewiston, we have calculated the peak hour trips for the Dillingham funeral home to be 88 PM trips. Due to the change in use there will be an increase in the AM peak hour, but the PM peak hour will be significantly reduced. The traffic generated from this project will have minimal impact on the surrounding streets, which have adequate capacity to handle the trips generated by this project.

The proposed project includes 36 new parking spaces, which will include 7 handicap spaces. We have calculated the total required parking for this project to be 68 spaces with 60 for the residential units and 8 for the retail space as shown on the enclosed Site Plan. The City code allows projects in this district to meet its parking demand with on-site spaces and with municipal on street spaces or spaces within municipal parking lots within 1000 feet of the site. There are numerous on street spaces in the area including three directly in front of the new building. There are also two municipal surface parking lots within 1000 feet of the site. One is at the corner of Court St. and Mechanics Row and the other is located on Troy St., between School St. and Hampshire St.

As you review the plans, you will note that there is no dumpster enclosure shown. Instead of a dumpster enclosure, the project will have wheeled totes for trash and recyclables located in a room on the first floor of the building that will be dedicated to this use. The trash and recyclables will be collected by a commercial hauler on a regular basis that meets the needs of the project. Similar projects have required pick up twice a week. Using the trash room makes it

more convenient for the residents to recycle their solid waste and dispose of the remaining trash.

In reviewing the site plan, building elevations and perspectives you will notice that a small section of the front entry canopy occurs within the Spring Street right of way, above the sidewalk. In addition, we are proposing (4) bicycle racks within the Spring Street right of way, for public use when visiting the retail spaces or apartments. AHDC will be discussing this with City staff to see if an easement is required for this possible encroachment and if needed will work with the City to acquire an easement.

In reviewing the requirements of the T5.1 Downtown Traditional Center district requirements, we have determined that the project is substantially in compliance. We are requesting waivers from some of these requirements, mostly because the lot was created prior to the enactment of the new zoning, and because we are amending a site plan which was approved prior to this new zoning. A summary of requested waivers [ and rationale for granting each waiver] is as follows :

- 75 % Frontage Build – Out Required – The lot is 292 feet wide and would require a building width of 219 feet; we propose a width of 170 feet.[ Rationale : Lot was created prior to enactment of new zoning; amended plan is consistent with previously approved plan; a wider building would not allow for required parking areas at side yards.]
- 160 Foot Maximum Lot Width – lot is 292 feet wide. [ Rationale : Lot was created prior to enactment of new zoning.]
- 150 Foot Maximum Building Width – proposed building is 170 feet wide. [ Rationale : Amended plan is consistent with previously approved site plan ; new building is 13 feet shorter than originally designed and approved.]
- 20 Foot Maximum Driveway Width – 24 foot width proposed. [ Rationale : 24 feet is needed for adequate and safe two way circulation.]
- Parking on Side Yards 60 Feet Maximum and 40% of Lot Width Maximum – Proposed plan meets the 60 foot maximum but is 41% of Lot Width Maximum( Two parking areas @ 60 feet wide = 120 feet) . [ Rationale : Each 60 foot wide parking area is needed for adequate and safe two way circulation.]

We will be discussing the buffering with the owners of abutting properties to determine the level that best meets their needs. This process will start with a meeting with abutters on Monday July 18th and will continue as the project moves forward. It is our intent to have these discussions completed prior to the Planning Board Meeting.

We will attend your next available Planning Board meeting to answer any questions that you or the Planning Board members may have.

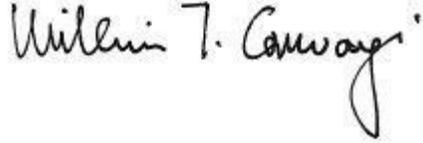
Sincerely,

Mr. Douglas Greene  
14127

5

July 7, 2016

SEBAGO TECHNICS, INC.

A handwritten signature in black ink that reads "William T. Conway". The signature is written in a cursive style with a prominent loop at the end of the last name.

William T. Conway, RLA / LEED AP  
Vice President Landscape Architecture

WTC/llg

## Chapter 60 - ZONING <sup>[1]</sup>

Footnotes: --- (1) ---

**State Law reference**— Municipal planning and land use regulation generally, 30-A M.R.S.A. § 4301 et seq.; land use regulation, 30-A M.R.S.A. § 4351 et seq.; zoning ordinances, 30-A M.R.S.A. § 4352; regulation of manufactured housing, 30-A M.R.S.A. § 4358; enforcement of land use regulations generally, 30-A M.R.S.A. § 4451 et seq.; subdivisions, 30-A M.R.S.A. § 4401 et seq.; fences and fence viewers generally, 30-A M.R.S.A. § 2951 et seq.; local growth management programs, 30-A M.R.S.A. § 4321 et seq.; Airport Zoning Act, 6 M.R.S.A. § 241 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 60-1. - Terms.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

**Lot.** The term "lot" includes the words plot or parcel.

**Person.** The term "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

**Shall/may.** The term "shall" is mandatory, the term "may" is permissive.

**Tense.** The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

**Used or occupied.** The term "used" or "occupied" includes the words intended, designed, or arranged, to be used or occupied.

(Ord. of 9-21-2009, § 2.1)

#### Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

*Accessory Structure or Building* means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

*Accessory Use* means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

*Adult Day Center* means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

*Animal Unit* means one living animal of any species.

*Antique Shop* means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

*Apartment.* See the term Dwelling unit.

*Architectural Features* means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

*Art Galleries* means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

*Artist Studio, Residential* means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

*Automobile* means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

*Automobile and Marine Paint and Body Shops* means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

*Automobile and Marine Repair and Service Station* means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

*Automobile, Commercial,* means a vehicle the primary use of which is commercial in character.

*Automobile Filling station* means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

*Automobile Garage, Private,* means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

*Automobile Parking Lot, Private,* means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

*Automobile Repair and Service Station* means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

*Automobile Sales Lot* means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

*Automobile Scrap Yard* means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

*Automotive Towing and Storage* means a business engaged in/or offering the services of a tow truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

*Basement* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

*Bed and Breakfast Home* means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive

days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

*Bed and Breakfast Inn* means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

*Boardinghouse or Lodginghouse* means a dwelling, which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner resides in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

*Building* means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term Structure.)

*Building Envelope* means the ground area on a lot and the space above it on which a building may be constructed. (added on 10/15/15)

*Building Form* means the overall shape and dimensions of a building.

*Building Height* means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

*Building Inspector* means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

*Building Line* means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

*Building, Principal*, means a building in which is conducted the principal use of the lot on which it is situated.

*Care Home* means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

*Cellar* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

*Cemetery* means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

*Child Care Home* means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

*Child day Care Center* means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

*Child Day Care Home* means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

*Clinic* means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

*Club, Private*, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

*Community Based Residential Facilities (CRF)* means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

*Comprehensive Plan* means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

*Convenience Store* means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

*Court* means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

*Dental Clinic* means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

*Development Standard(s)* means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The Development Standards establish both boundaries within which development may take place and what requirements apply.

*Director* means the Director of Planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

*District or Zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

*District, Overlay*, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

*Dormitory* means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

*Driveway* means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

*Dump* means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

*Dwelling or Dwelling Unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

*Dwelling, Multifamily*, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

*Dwelling, One-Family Detached*, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

*Dwelling, Seasonal*, means a dwelling occupied for not more than six months of any year.

*Dwelling, Two-Family*, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

*Dwelling Unit* means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

*Eave* means the edge of a roof which projects beyond the exterior wall.

*Encroachment* means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

*Erected* includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

*Facade* means the vertical surface of a building.

*Family* means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

*Farm* means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and

- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

*Farm, animal,* means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

*Floodplain overlay* means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

*Floor area of building* means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

*Frontage* means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

*Form Based Code* means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. (Added 10/16/15)

*Form Based Code Zoning District* means one of the five areas on the Regulating Plan, including Transect 4.1 (T-4.1), Transect 4. 2 (T-4.2), Transect 5 .1 (T-5.1), Transect 5 .2 (T-5.2), and Transect 6 (T-6).

*Frontage Line* means the lot line(s) of a lot fronting a street or other public way.

*Greenhouse* means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

*Grocery Store* means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

*Ground Area of Building* means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

*Group Home* See the term Community Based Residential Facilities.

*Guesthouse* means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

*Habitable Space* means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

*Half-Story* means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

*Historic Site* means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

*Historic or Archaeological Resources* means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

*Hog Farm* means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

*Home Occupation* means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

*Hospital* means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

*Hotel* means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

*Household pet* means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

*Illustrative Plan* means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

*Industrial use, heavy*, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

*Industrial use, light*, means the use of real estate, building or structure, or any portion thereof, the main processes of which involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

*Institution* means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

*Institution, philanthropic*, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

*Institution, private educational*, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms Training school and School.)

*Institution, research*, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

*Junkyard or automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

*Kennel* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

*Land Use Permit* means a permit required for the use of property that is legally permitted under the provisions of this chapter.

*Landscape Services* means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

*Lawn Maintenance service* means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

*Library* means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

*Livestock* means domestic animals kept, used or raised on a farm for the production of income.

*Lodge, private*. See the term Club, private.

*Lot* means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;

- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

*Lot frontage/width* means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

*Lot line, rear,* means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

*Lot measurements* means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

*Lot of Record* means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

*Lot Types* means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

*Lot, Undersized,* means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

*Major or Principal Arterial Highway* means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

*Major Retail Development* means a single building in excess of 100,000 square feet of new ground floor retail space.

*Manufactured Housing* means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

*Mining, Quarrying*, or earth removing means the excavation of any earth materials.

*Minor Arterial Highway* means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

*Mobile Home Development*, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

*Mobile Home Park* means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for non-transient use.

*Mobile Homes, newer*, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

*Mobile homes, older*, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

*Modular homes* means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as

dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

*Motel* means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

*Municipal sanitary landfill* means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

*Municipal uses* means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

*Museum* means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

*Nonconforming building* means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming lot* means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming use* means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

*Nursery* means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

*Nursery, child*, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

*Nursery, wholesale*, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

*Office* means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

*Office trailer* means a movable vehicle or structure designed for year\_ round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

*Outpatient Addiction treatment clinic* means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction

treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

*Parapet* means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

*Parking Space, off-street*, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

*Performing Arts Center* means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

*Personal Services* the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

*Place of Worship* see definition of Church.

*Planning Board* means the planning board of the City of Auburn, Maine.

*Primary Entrance* means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

*Principal Use* means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

*Professional Office* means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

*Realm, Private* means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

*Realm, Public* means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

*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.

*Regulating Plan* means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the Form Based Code.

*Restaurant* means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

*Restaurant, Carry-Out*, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

*Restaurant, Drive-in*, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

*Retail* means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

*Retail Space* means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

*Rifle, Pistol, Skeet or Trap Shooting Range* means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

*Road* means any public or private traveled way or any portion thereof.

*Roof* means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

*Sawmill* means a unit designed to saw logs into lumber, firewood or other processed wood products.

*School* means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term Training school.)

*Shared Housing* means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

*Shelter for Abused Persons* means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

*Shopping Center* or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

*Sign* means any device, display surface, structure or object in public intended for visual communications.

*Sign, Mobile Mounted*, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

*Sign, Official Business Directional*, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

*Sign, On-Premises*, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

*Sign, Standing*, means any sign that is not attached to a building.

*Sign, Temporary*, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

*Site-Built Home* means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

*Slaughterhouse* (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

*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.

*Specialty Shop* means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a non-homogeneous quality.

*Stable, Riding*, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

*Standing* means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

*Story* means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

*Story, Half*, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

*Street* means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

*Street frontage*. See the term Frontage.

*Street Line* means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

*Street, Secondary* means the street that is considered to be less intense to the other on a corner or double sided lot.

*Primary Street* means the street that is considered to be more intensely used than the other on a corner or double sided lot.

*Structure or Building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

*Subdivision* means a division of land as defined in 30-A M.R.S.A. § 4401.

*Summer Camps* means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

*Supermarket* means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

*Swimming Pool* means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

*Theater, Indoor*, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

*Theater, Outdoor*, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

*Tourist Home*. See the term Bed and breakfast home.

*Townhouse* means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

*Trailer or RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

*Trailer Home* means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

*Training School* means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

*Transect (Rural-to-Urban)* means a cross-section of the environment showing a range of different building development zones. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

*Transmission Towers* means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

*Useable Open Space* means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over 10% slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

*Variance* means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

*Wayside Stand* means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

*Wholesale* means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

*Yard* means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

*Yard, Front*, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

*Yard, Rear*, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

*Yard, Side*, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

*Zone*. See the term District.

Sec. 60-4. - Zoning districts.

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6

Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2)

Sec. 60-5. - Zoning map.

- (a) The location and boundaries of the zoning districts and Form Based Code Regulating Plan in section 60-4 are as shown on the map entitled City of Auburn, Maine, Zoning Map, dated May 16, 2016 revised through its current date and revisions, is hereby adopted by reference and declared to be a part of this chapter.
- (b) As zoning district and form based code boundaries are amended from time to time in accordance with article XVII of this chapter, such changes shall be entered on the official zoning map promptly after final approval of the amendment and the date following "revised through" appearing on the map shall be changed to match the effective date of the latest amendment. All previous editions of the zoning map shall thereupon become obsolete, null and void.
- (c) The official zoning map, revised according to the most recent amendment, shall be located in the office of the department of community development and planning and shall be the final authority on current zoning district and form based code locations and boundaries. It shall be the responsibility of the city planning director to see that the official map is kept current and accurate.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-11; Ord. 12-09062011-04, 9-19-2011)

Sec. 60-6. - Zone boundaries.

In the interpretation of the exact boundaries of zoning districts and form based code as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city or county limits shall be construed as following city or county limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, lakes or other bodies of water shall be construed to follow such centerlines;

- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section indicated on the official zoning map shall be determined by the measurements using the scale of the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the planning board shall interpret the zone boundaries.

(Ord. of 9-21-2009, § 1.4)

Sec. 60-35. - Conversion of one-family dwellings.

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- (2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

(Ord. of 9-21-2009, § 3.1C)

Sec. 60-40 - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum or maximum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum or extended beyond the dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)

Sec. 60-47. - Corner lots.

There shall be a front yard along the street line as provided for under yard requirements, front in the district where located. all other yards shall be considered as side yards and measured as provided for under yard requirements, side in the district where located. On corner lots within the Form Based Code Districts, there shall be a Primary Street front yard and a Secondary Street front yard with minimum and maximum building setback requirements. The yard opposite from the Primary Street shall be considered the rear yard while the yard opposite the Secondary Street shall be considered the side yard.

(Ord. of 9-21-2009, § 3.10)

DIVISION 14. - <sup>1</sup> FORM BASED CODE

Sec. 60-546. – PURPOSE:

The purpose of the Form Based Code is to

- a) Provide a building development pattern that is based upon the built environment’s physical form and its relationship to the Public Realm and the Private Realm.
- b) Allow for a diversity of uses appropriate and compatible to the designated district area
- c) Provide a more accelerated building design, review, approval and construction process.
- d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern. .

Sec. 60-547. – TRANSECTS- Form Based Code uses transects as a way to describe the areas under the Regulating Plan. A Transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn’s transects are organized using 5 Form Based Code Districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

<sup>1</sup> NOTE: All text from the Central Business District has been deleted and replaced with the new Form Based Code

Sec. 60-548 **TRADITIONAL MAIN STREET NEIGHBORHOOD T- 4.1**



**Illustrative View of T- 4.1 (Main Street)**

**Intent and Purpose:**

**Traditional Main Street Neighborhood (T- 4.1)**

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T- 4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.

# Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T-4.1

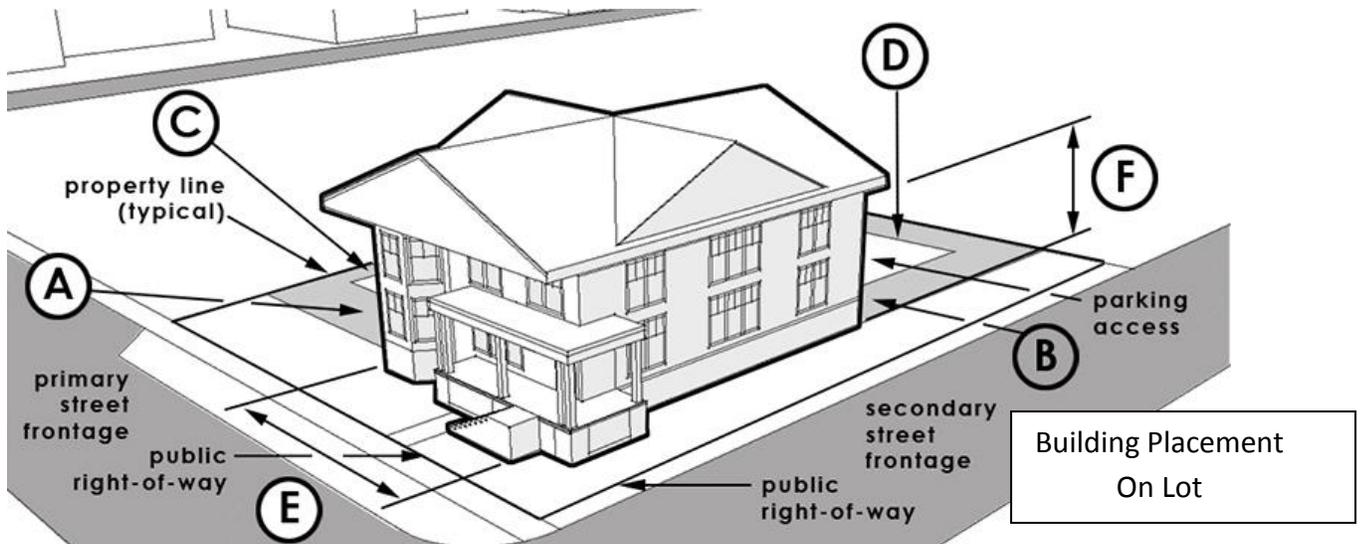
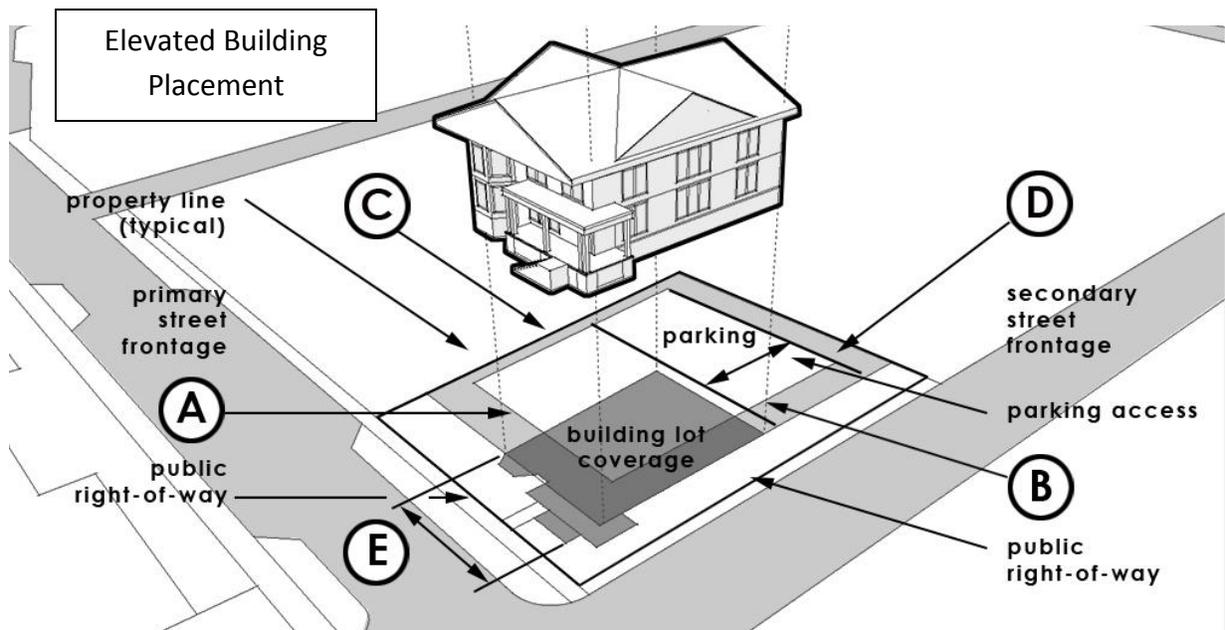


- Characteristic Features**
- Front lawns
  - Front facade detailing
  - Frontage fences
  - Porches
  - Bay windows
  - Foundation planting and yard landscaping
  - Street Trees
  - Lower Density



**Examples of Main Street Neighborhood - T- 4.1**

# Sec. 60-548.1 BUILDING PLACEMENT & CONFIGURATION T- 4.1

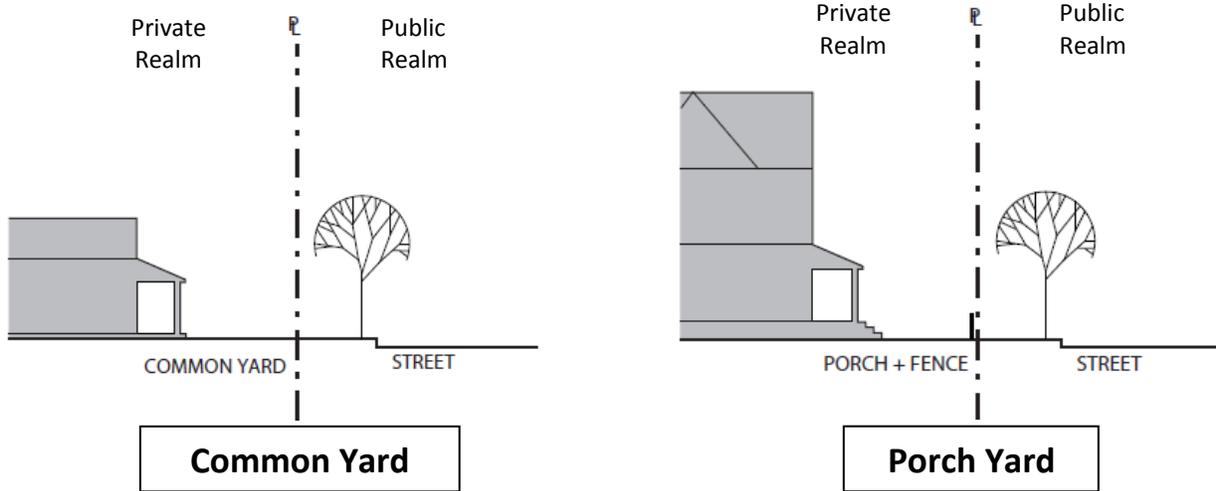


**PRINCIPAL BUILDING PLACEMENT:**

Front Setback, Principal:	15 ft Min, 25 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	15 ft Min, 25 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	60% Max	
Useable Open Space:	20% Min	
Frontage Build-Out:	40% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	

**PRINCIPAL BUILDING CONFIGURATION:**

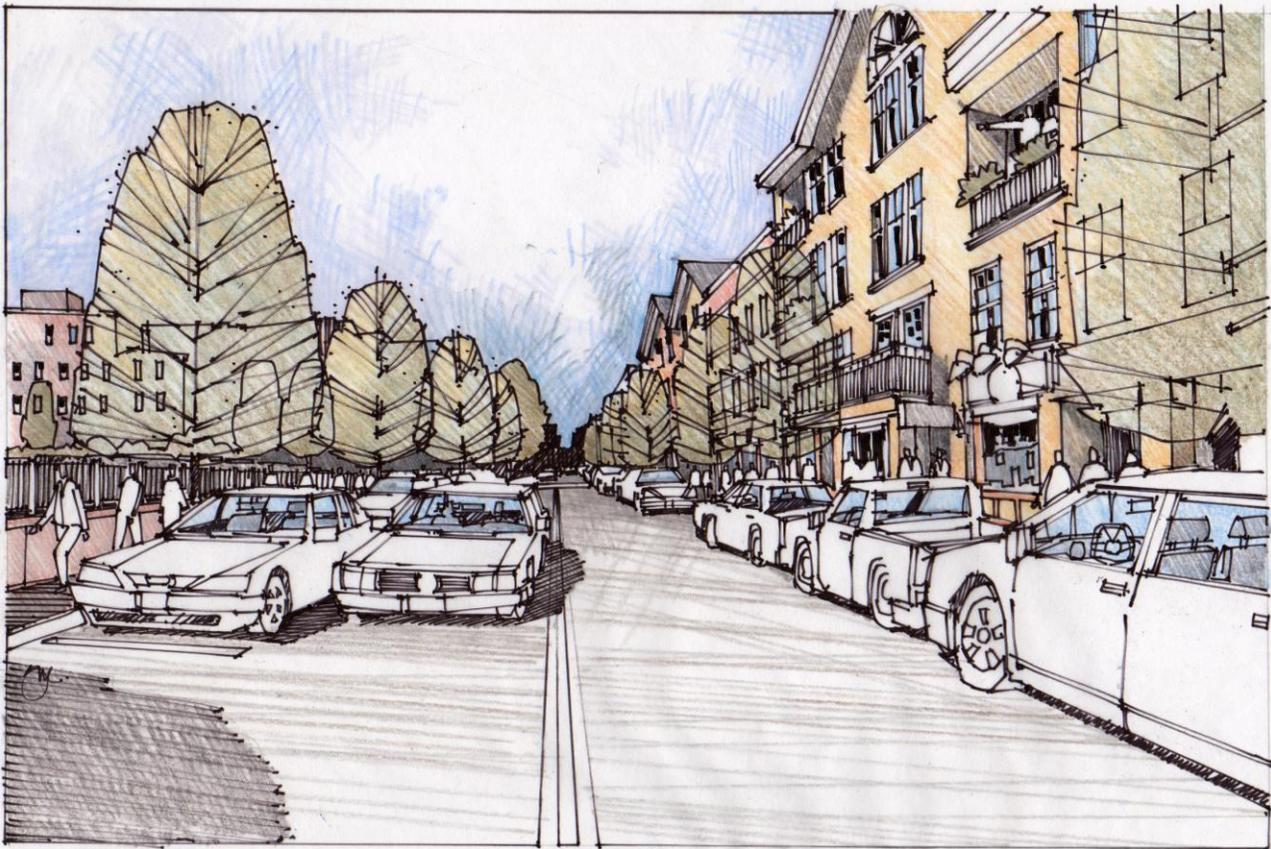
Building Width:	14 ft Min, 64 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	2 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:</b> .....	Common Yard; Porch Yard
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

**Illustrative View of T- 4.2 (Spring Street)**



**Intent and Purpose:**

**Traditional Downtown Neighborhood (T- 4.2)**

The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

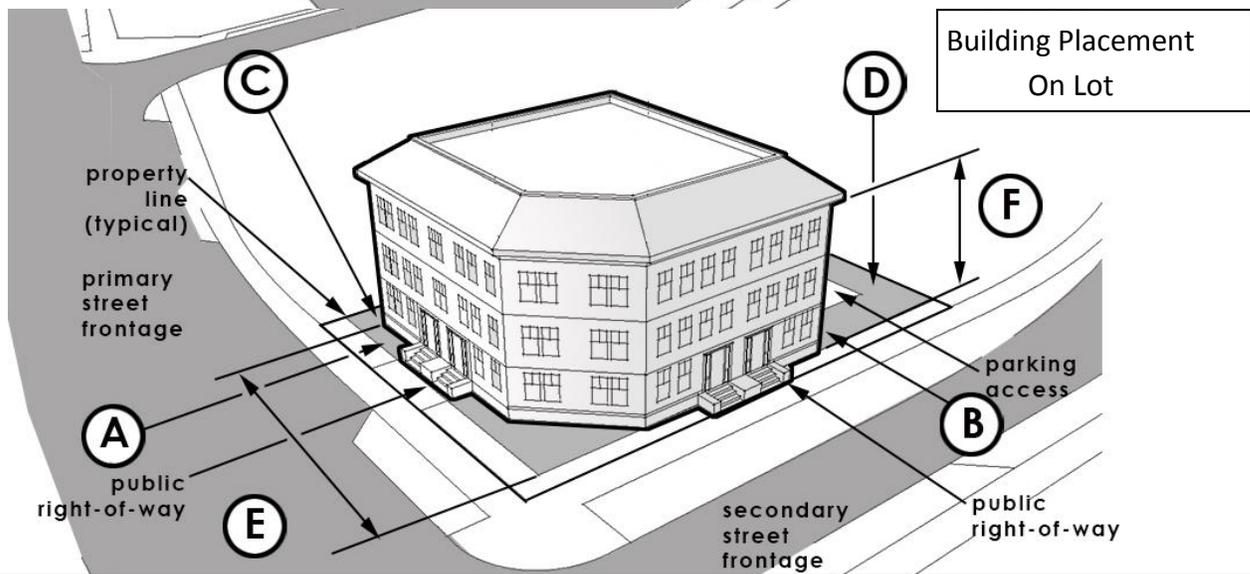
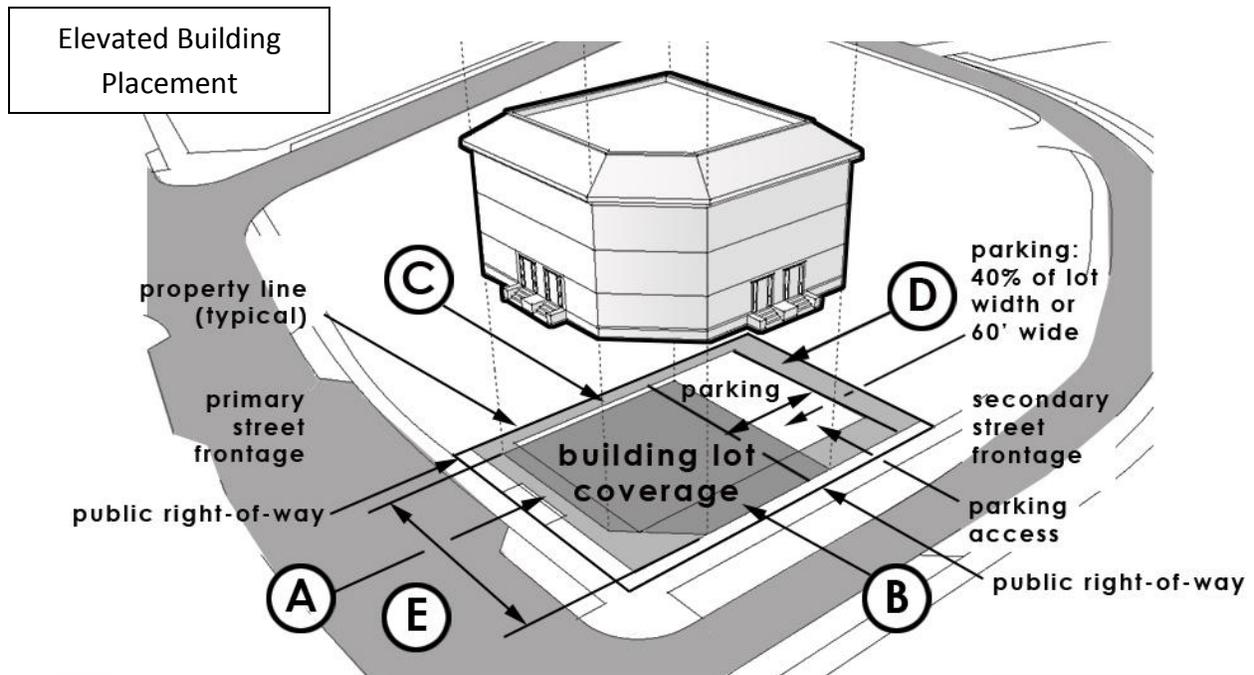
## Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T- 4.2



### Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

# Sec. 60-549.1 BUILDING PLACEMENT & CONFIGURATION T-4.2

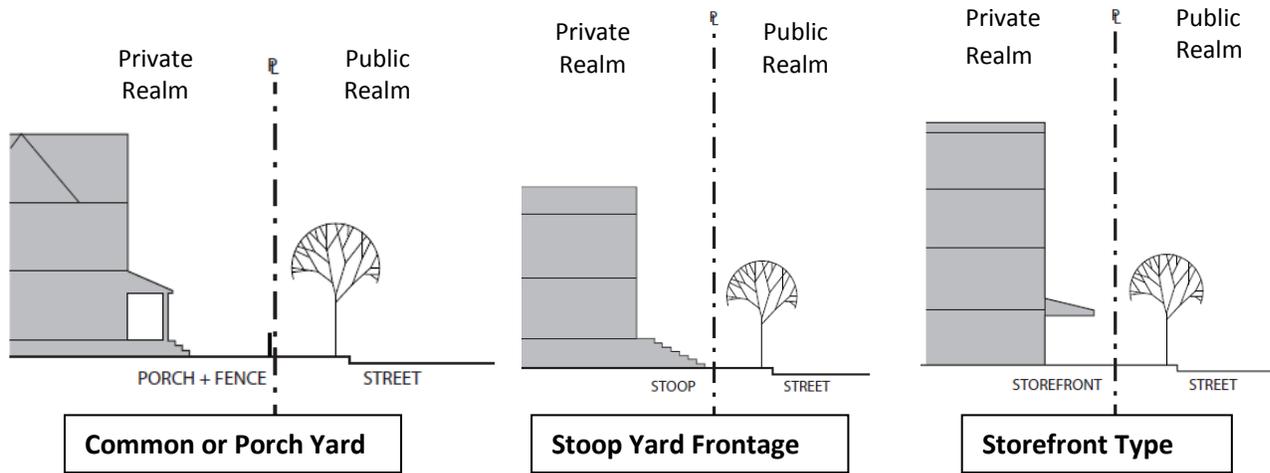


**PRINCIPAL BUILDING PLACEMENT:**

Front Setback, Principal:	5 ft Min, 15 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft Min, 15 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	70% Max	
Useable Open Space:	10% Min	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	

**PRINCIPAL BUILDING CONFIGURATION:**

Building Width:	14 ft Min, 110 ft Max	(E)
Building Height Minimum:	1 Story Min	(F)
Building Height Maximum:	3 Story Max	(F) (excluding attic story)



<b>BUILDING FRONTAGE TYPES:</b> .....	Common Yard; Porch Yard, Stoop and Storefront
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft maximum. Front Setback, Secondary Frontage 5 ft maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right of way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.



**Illustrative View of T- 5.1 (Future Great Falls Plaza)**

**Intent and Purpose:**

**Downtown Traditional Center (T- 5.1)**

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.



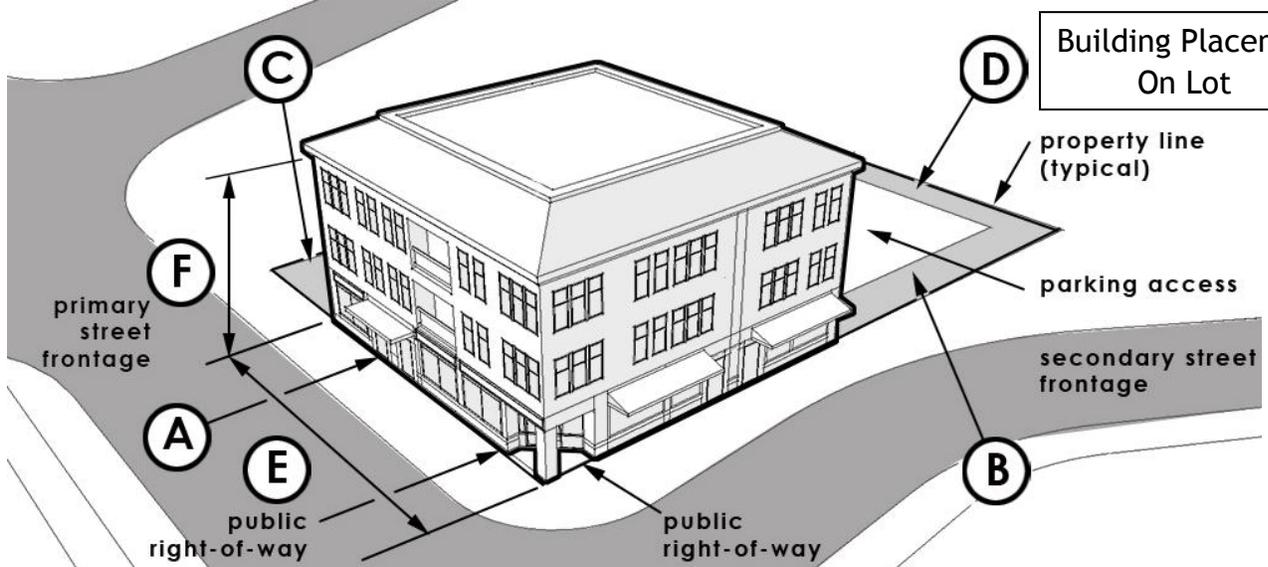
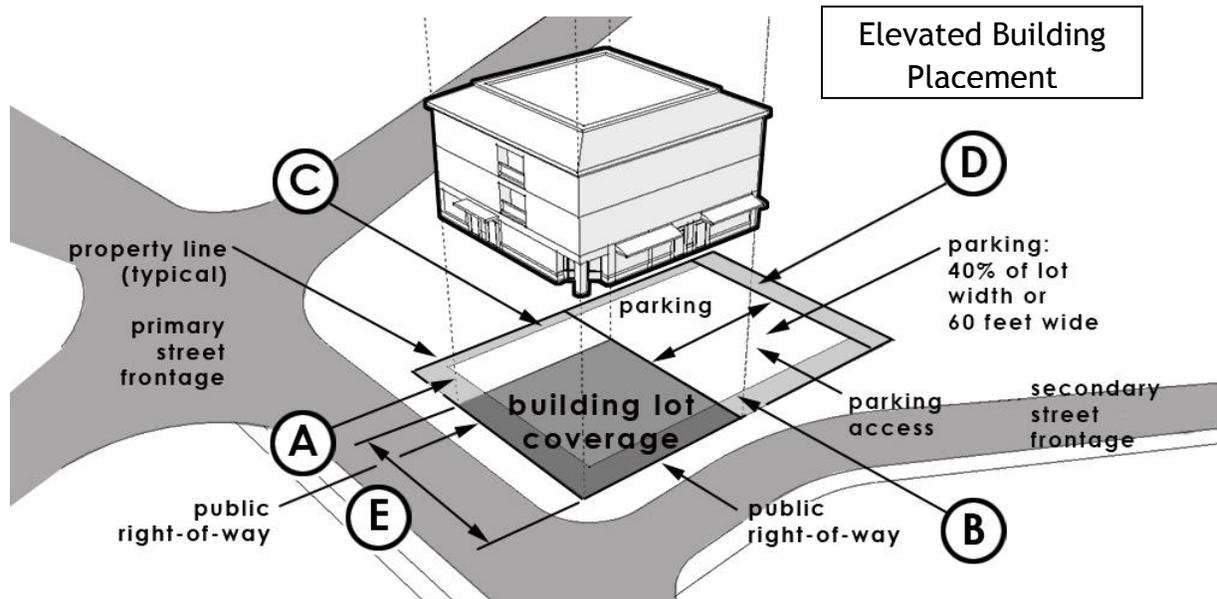
### Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



**Examples of Downtown Traditional Center – T- 5.1**

# Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

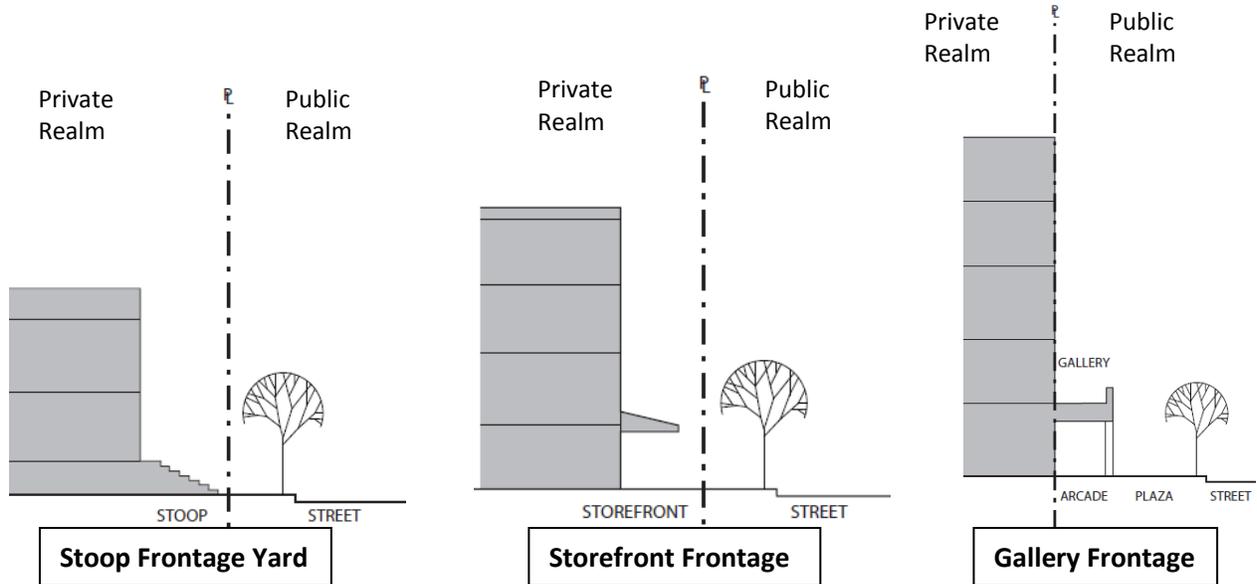


**PRINCIPAL BUILDING PLACEMENT:**

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

**PRINCIPAL BUILDING CONFIGURATION:**

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:</b> .....	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum to 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence: (Residential)	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.



**Illustrative View of T- 5.2 (Court Street)**

**Intent and Purpose:  
Downtown City Center (T- 5.2)**

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.

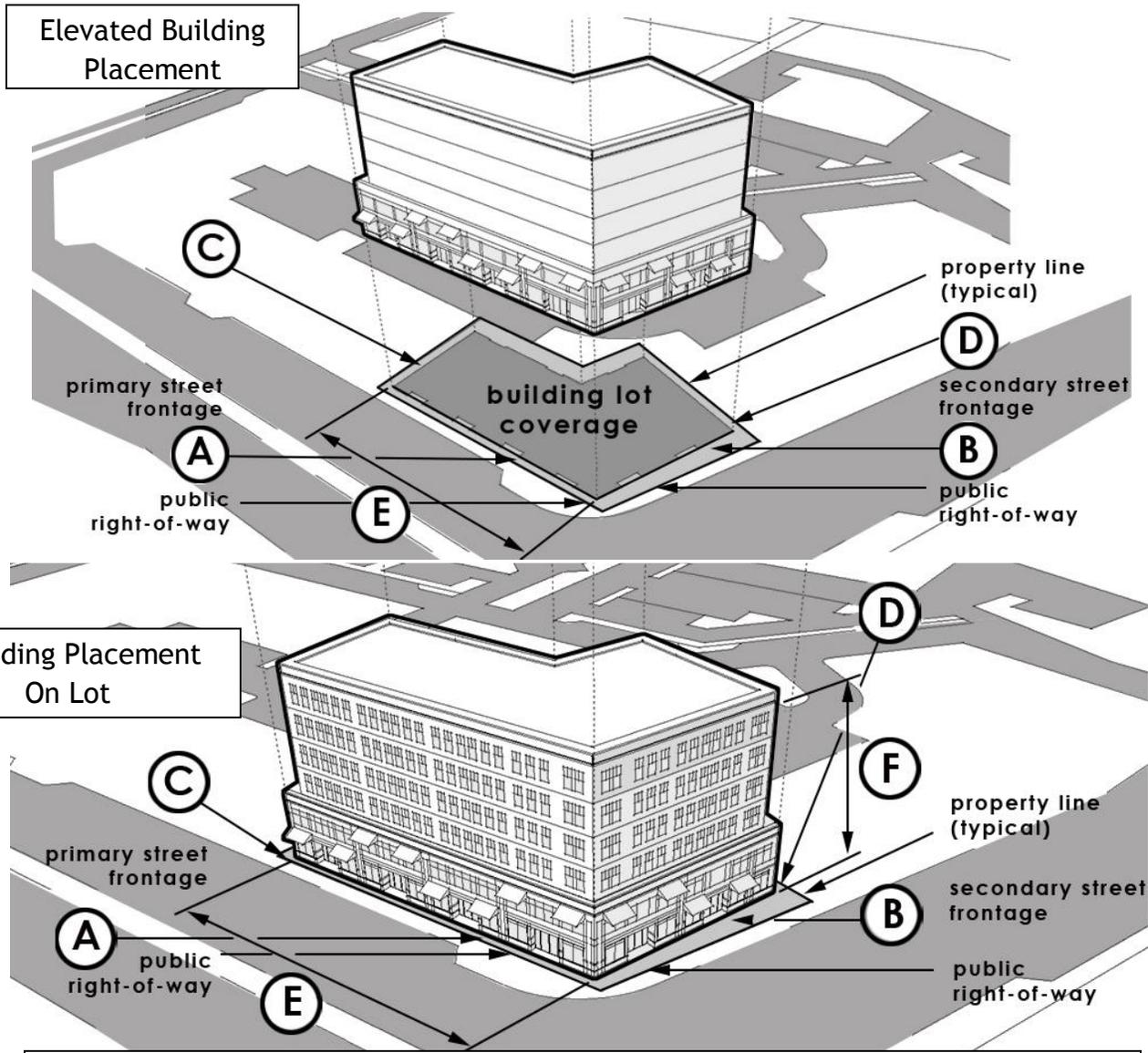


**Key Features**

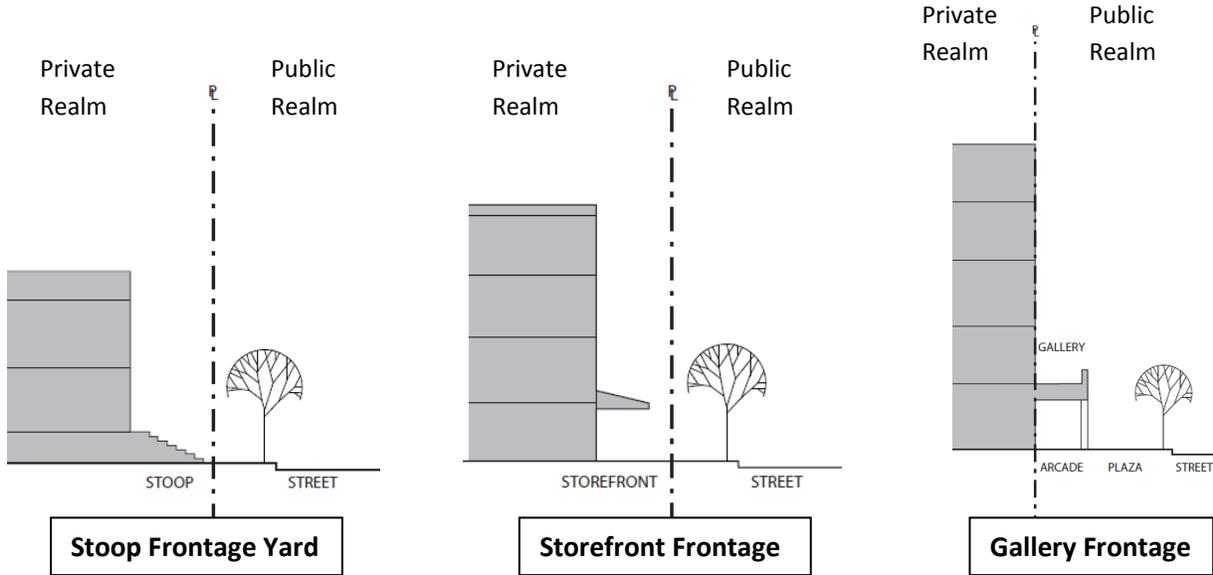
- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment



**Examples of Downtown City Center- T- 5.2**



<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	80% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	12 ft Min, 230 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	6 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:.....</b>	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:.....</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential:</u> Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. <u>Storefront:</u> Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential:</u> Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. <u>Storefront:</u> Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

<p>Front Yard Fence: (Residential)</p>	<p>A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.</p>
<p>Front Yard Fence/Wall Opening:</p>	<p>A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.</p>
<p>Required Street Wall Height:</p>	<p>A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.</p>
<p>Building Projections:</p>	<p>No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.</p>
<p>Stoop Encroachments:</p>	<p>Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.</p>
<p>Parking:</p>	<p><u>Residential</u>-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u>- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.</p>
<p>Landscaping:</p>	<p>Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.</p>



**Illustrative View of T-6 (Turner Street)**

**Intent and Purpose:**

**Great Fall Metropolitan (T-6)**

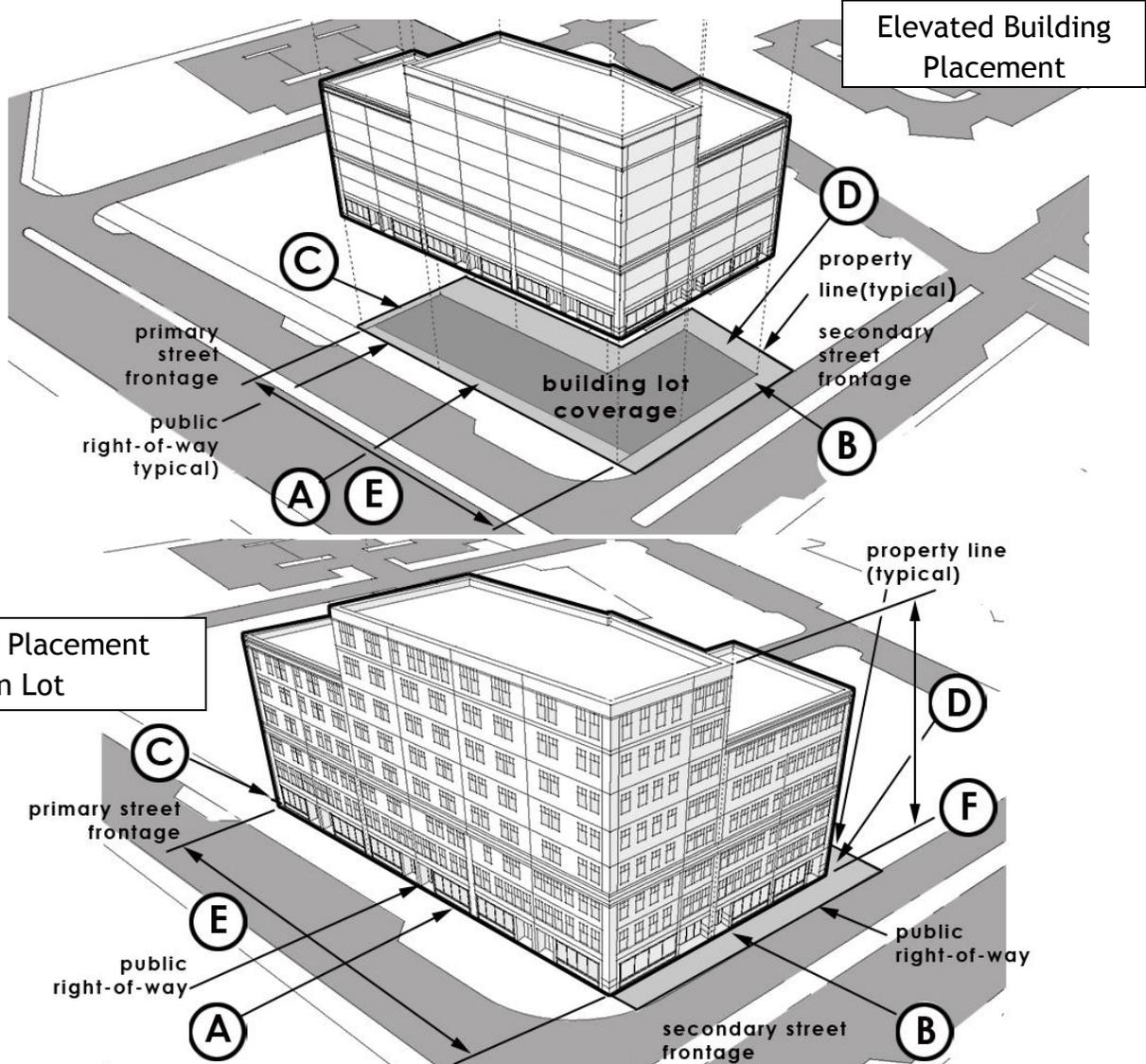
The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.

**Key Features**

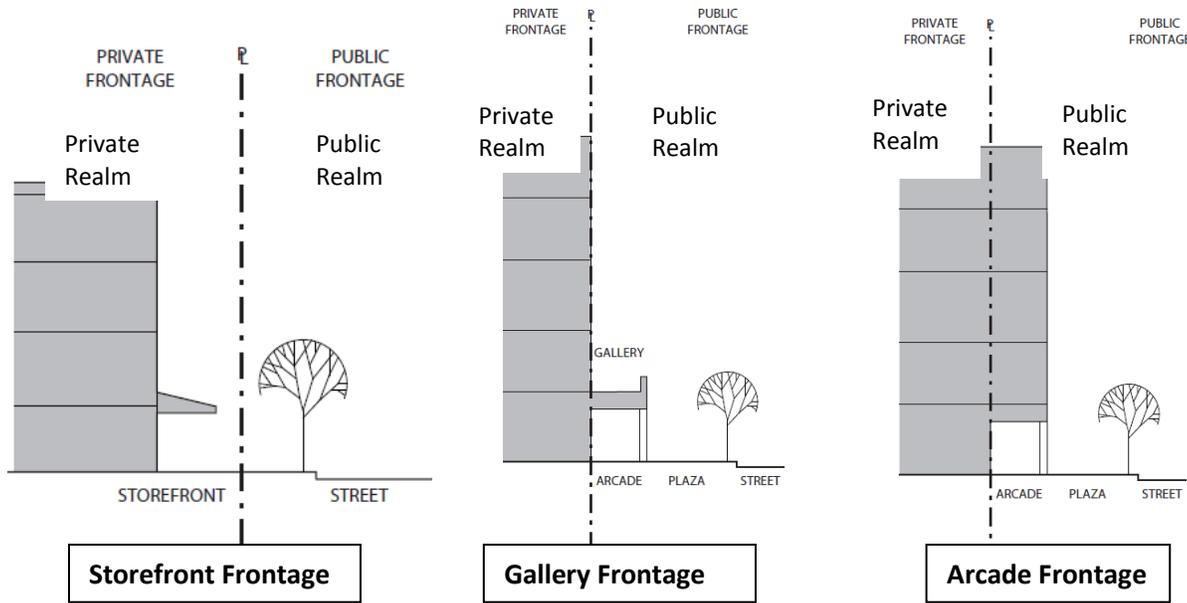
- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density



**Examples of Great Falls Metropolitan T-6**



<b>PRINCIPAL BUILDING PLACEMENT:</b>		
<b>Front Setback, Principal:</b>	<b>0 ft Min, 10 ft Max</b>	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	90% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	90% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft Min, 230 ft Max	(E)
Building Height Minimum:	4 Story Min	(F)
Building Height Maximum:	8 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:</b> .....	Storefront, Gallery and Arcade
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Façade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Façade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum to 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Front Façade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

<p>Street Wall Opening:</p>	<p>A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.</p>
<p>Required Street Wall Height:</p>	<p>A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.</p>
<p>Building Projections:</p>	<p>No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.</p>
<p>Stoop Encroachments:</p>	<p>Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.</p>
<p>Parking:</p>	<p><u>Residential</u>-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk.  <u>Commercial</u>- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.</p>
<p>Landscaping:</p>	<p>Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.</p>

# Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

\* \* \* (2)

USE (1)	T-4.1	T-4.2	T 5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
<b>Residential Type Use</b>						
Single Family	P	P	P	P	P	1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	P	1/2 sp /employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Sec. 60-673-10)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service Type Use</b>						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp./400 sf
Personal Services	S	S	P	P	P	1 sp./400 sf
<b>Retail Type Use</b>						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400 sf
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor	S	S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
<b>Civic</b>						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- (2) Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50% of floor space is devoted to Age Restricted Goods

**S** = Special Exception  
**sp** = parking space

**P** = Permitted  
**sf** = square foot of gross floor space

**X**-Prohibited  
**DU** = Dwelling Unit

## Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

### Sec. 60-555. Form Based Code Administration-

#### A. Form Based Code Relation to Zoning Ordinance

1. The Form Based Code shall regulate areas designated as Form Based Code Districts.
2. All buildings and land uses located within a Form Based Code District shall comply with Sec. 60-33 (General Provisions unless specifically stated otherwise in Sec. 60-546 to 60-558 of the Form Based Code.
3. Site Plan/Special Exception- Any project located within a Form Based Code District that requires special exception or site plan review shall comply with Sec. 60-45.

### Sec. 60-556. Form Based Code Plan Types-

#### A. Administrative Types-

1. By Right- No Permits are required for projects such as normal maintenance or for new structures under 200 sq. ft.
2. Minor Administrative- Projects that require permits and comply with all Form Based Code or Zoning regulations, may be approved and permitted by the appropriate City Departmental Staff and will not require multiple departmental or Planning Board approval. These projects can be applied for at any time.
3. Major Administrative- Projects that do not qualify as a Subdivision, Special Exception or Site Plan Review type plans and comply with all Form Based Code or Zoning regulations, but due to multiple issues, will require review by the multiple City Departmental Staff.

#### B. Discretionary Type Plans- The following plan types shall require review and action by the Planning Board.

1. Subdivisions of 3 or more lots over a 5 year period or a project creating more than 3 dwelling units. (Subdivision Review)
2. Any project listed as Special Exception or **"S"** in Section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review)
3. Any project within the Form Based Code District proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review)
4. Any amendment to an existing discretionary plan that increases existing square footage more than 25%
5. Any project located within the Form Based Code District area that seeks a waiver from the adopted Form Based Code Regulating development standards shall submit a complete Special Exception and Site Plan Review application for Planning Board review and action.

## Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

### Sec. 60-557 – Applicability-

1. Any Minor, Major Administrative Type Plan and/or Discretionary Plan, as defined in in Section 60-556, located within a Form Based Code district, shall be required to submit a Development Review Application prior to any issuance of building permits or development activity.
2. Any development activity on or within property located with the Form Based Code District shall be reviewed for compliance with applicable Form Based Code or Zoning Ordinance regulations.

### Sec. 60-558 – Form Based Code Development Application Procedure

#### A. Administrative Type Plan Application Process-

1. Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.
2. Applicant reviews the project's compliance for Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All Administrative Type Plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's Form Based Code or Zoning District and discuss the Form Based Code requirements and related Zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Any Minor or Major Administrative Plan or Discretionary Plan applicant in a Form Based Code district shall complete and submit a cover letter describing the project, a Development Review Application, a Form Based Code Development Checklist and the appropriate application fee and number of applications to the Planning Office.
5. All Form Based Code applications will be reviewed by the Planning Staff for completeness and applicant will be notified within 5 working days if the plan is deemed complete and whether the plan is Administrative or Discretionary. The applicant is responsible for working with the Planning Staff to correct any deficiencies needed to be accepted for further review.
6. Type 2 and 3 Administrative Plans will be reviewed by the appropriate City Departmental Staff or other relevant agencies who will recommend approving,

disapproving or postponing to allow for time to correct the application. The Director of Planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.

7. The Director of Planning shall have the authority to require an Administrative Plan to be considered by the Planning Board and notify the applicant the justifications for doing so.

**B. Discretionary Project Application Process-**

1. Applicant Identifies Subject Property's Zoning/Transect and determines what plan type the project is.
2. Applicant reviews the project's compliance for the applicable Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the Form Based Code or Zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Discretionary Plan applicants will submit; a Development Review Application, a Form Based Code Development Checklist the appropriate application fee and number of applications to the Planning Office for review and consideration by the Planning Board according to their normal submission deadline and meeting schedule.
5. Applications not meeting all the requirements of the Form Based Code may include waiver as per Sec. 60-1312 or variance requests as part of their application.

**C. Waiver Requests-**

1. Any waiver request of Form Based Code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative explaining how the waiver, if approved, will allow the project to meet the purpose of the Form Based Code and the objective of Sec 60-1277, Site Plan Law.

D. Planning Board Approval-

1. The Planning Board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of Special Exception, Site Plan Review, Subdivision Law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a Form Based Code application.
2. The Planning Board shall provide findings for approval or disapproval based on the application's meeting the purpose of the Form Based Code.



**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

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

Re: Zoning Map Amendment Request for Pownal Road Area

Date: August 9, 2016

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I. PROPOSAL- The Auburn City Council has initiated a zoning map amendment for properties located in the southern end of Auburn along Pownal Road from Agricultural-Resource Protection to Low Density Rural Residential Development. The proposed properties are; a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001

The property that triggered this request is 1863 Pownal Road. The property was created by a deed split around 2010 and was done in error. One property was created as an 8 to 9 acre parcel, which does not meet the 10 acre minimum lot size. As a result, this property and the parent tract is in a legally “locked up” situation and neither property can be issued building permits or is unable to be sold through financial institutions. The current owner has gone into foreclosure and has had difficulty in maintaining the large Victorian mansion.

At their June 16th Economic and Community Development Committee meeting, Council Members Walker and Gilbert presented a memo (attached) that proposed a zone change for 1863 Pownal Road and the surrounding area. The Committee voted to have the Planning Board consider a zoning map amendment, hold a public hearing and bring a recommendation on the proposed zone change back to the Council.

- II. DEPARTMENT REVIEW-
- a. Police- No concerns.
  - b. Auburn Water and Sewer- This rural area is served by private well and septic systems.
  - c. Fire Department- Would like the see the home at 1863 become occupied, repairs made and brought up to code. The house currently has no heat and the

Fire Department is concerned about the home being protected during the upcoming winter.

- d. Engineering- No concerns.
- e. Public Services-No concerns.
- f. Economic and Community Development (ECD)- The Planning Office has attempted numerous ways to resolve the illegal lot situation at 1863 Pownal Road to no avail. The Staff is will consider this limited zone change as a way of correcting undersized lot and to bring the property back into productive use.

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider whether the zone change either meets the future land use plan from the 2010 Comprehensive Plan or that evidence has been presented to prove that significant changes have taken place to the physical, economic or social nature of the area that were not anticipated by the last comprehensive plan.

In addition, the 2010 Comprehensive Plan (pages 70-71) lists the specific criteria that need to be present to approve an extension of a rural residential strip.

### *3. Rural Residential Road Strips*

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

#### *Consideration #1 – Established Residential Pattern*

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

**Staff Comment-** The existing half mile of Rural Residential zoned land along Pownal Road before the proposed zone change area has 10 homes, which meets criteria #1.

#### *Consideration #2 – Reserve Area Adjacency*

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

*some realistic expectation that something will occur that will change the desired land use for the area in the future.*

**Staff Comment-** The area adjacent to the proposed zone change is not designated as a “reserve area”.

***Consideration #3 – Natural Resource Adjacency***

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

**Staff Comment-** The area adjacent to the proposed zone change is not considered a significant natural resource area.

***Consideration #4 – Conservation/Open Space Adjacency***

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

**Staff Comment-** The land adjacent to the proposed zone change is not protected open space nor is there a reasonable expectation to preserve open space in the foreseeable future.

***Consideration #5 -- Ability to Provide Public Services***

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

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

**Staff Comment-** The proposed zone change will not tax the City’s ability to provide municipal services. Given the nearby area already zoned Rural Residential has 10 homes in a half mile, police and fire already must serve the area. All water and sewerage are provided by private wells and septic systems.

***Consideration #6 – Water Quality Protection***

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

**Staff Comment-** The proposed zone change is not located in the watershed of Lake Auburn.

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

**IV. STAFF RECOMMENDATION-** The Staff considered how the proposal meets the six considerations of the Rural Residential Strips in the 2010 Comprehensive Plan and finds that this area meets those criteria. Criteria 6 does not apply.

Other issues the Staff considered were:

- Correcting non-conformities through a zone change is not a normal procedure.
- The staff wants to minimize the number of lots that would be possible as a result of the zone change to a rural residential zoning type.
- There are some concerns that approving this could be considered a precedent for other areas in Auburn's Agricultural Zone.

**Zoning Map Amendment Staff Scenario Options-** The memo from Councilman Walker initiating the zone change amendment labeled the existing and proposed zoning in the Pownal Road area as Low Density Country Residential. The zoning in the area is actually Low Density Rural Residential. The staff has created different 4 scenarios (attached) for the Planning Board to consider.

1. Rezone both sides of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Rural Residential to be consistent with the existing zoning. This option rezones approximately 23 acres and creates the potential for 5 new residential lots.
2. Rezone both sides of Pownal Road from Agriculture to Low Density Rural Residential to the end of 1863 Pownal Road but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibility of 4 new residential lots.
3. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential. This option rezones approximately 23 acres and creates the possibilities of 3 new lots.
4. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibilities of 2 new lots.

**STAFF RECOMMENDS SCENARIO OPTION 4.** While rezoning to Low Density Country Residential is not consistent with the adjoining Rural Residential zoning, it would limit the number of new lots and still meet the Council directive of correcting the non-conformity of 1863 Pownal Road.

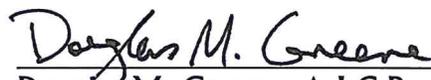


## City of Auburn, Maine

Office of Planning & Development  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

The Staff recommends sending a recommendation of **APPROVAL** to the City Council using Scenario 4 provided in the Staff Report to rezone a 20 acre that consists of; portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road and 1863 Pownal Road from Agriculture/Resource Protection to Low Density Country Residential with the following findings.

1. The rezoning complies with the Rural Residential Strips criteria from the 2010 Comprehensive Plan.
2. The rezoning will allow the property at 1863 Pownal Road to be purchased, repaired, maintained and put on the tax rolls.

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



City Council  
Workshop Agenda Item Request Form

City of Auburn

Requesting Councilor's Name: Leroy Walker- Councilor Ward 5

Second Councilor Name: *Cristine M. Gilbert*

Policy: Change in zoning for City owned property- 1863 Pownal Road

Summary of Issue:

This property has been a zoning problem for years and is costing the City of Auburn a significant amount of loss tax revenue due to a mistake made in dividing lots. We have the opportunity to fix the problem. I think City staff has avoided settling the matter in a reasonable way. As the Council it's time to settle the matter in Auburn's favor.

The Property at 1863 Pownal Road was created in or about 2010 when it was divided from a 67 acre parcel into two lots: the house lot on an 8.1 acre lot and a 58 acre vacant field and woods lot. Both lots are in the AG/RP zone requiring a minimum lot size of 10 acres. When the City permitted the division, the property at 1863 Pownal Road was left with 1.9 acres less than required. The penalty for this violation is Chapter 60, Sec. 60-40-Reduction of Dimensional Regulations. "No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots in conformance with all dimensional requirements." Attempts to correct the violation through the purchase of the needed land from the two contiguous property owners have been unsuccessful. If the zoning issue is not resolved it will be difficult to secure a mortgage and insurance and to do the renovations that are necessary to bring this 1900's house and property back to its former beauty. It needs to be put back on the tax roll and so the non-conforming lot issue needs resolution.

Recommended Action for Consideration: Request the Planning Board to review and make a recommendation on a proposal to amend the Zoning Map in the vicinity of Pownal Road and Jordan School Road, specifically, 1863 Pownal Road, Parcel ID # 021-001, from Agricultural/Resource Protection to Low Density Country Residence (with 3 acre minimum lot size). This is a tax acquired property now owned by the City of Auburn.

There are 4 solutions to this issue, but I think #4 rezoning is the best answer:

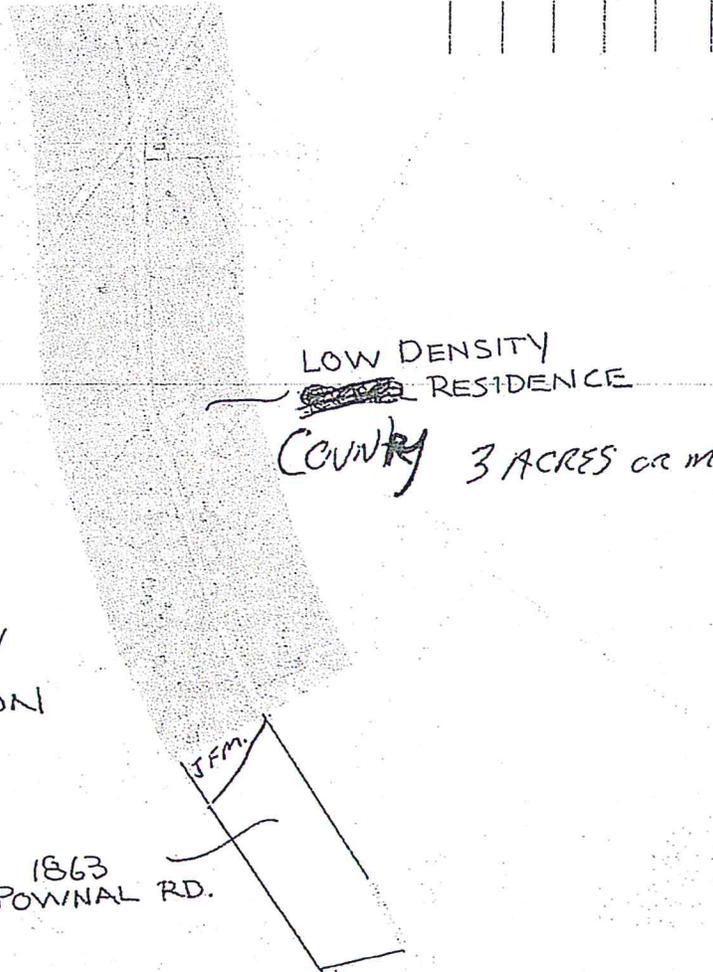
1. Have the City issue a "No Action Letter" as a condition of sale.
2. The City, as the current property owner, request that Jenis Holding Company convey back a 1.1 acre lot to make both properties conforming. Sec.60-40 also penalizes any development of the Jenis lot unless the 1863 Pownal Road lot is made conforming. Conveying a strip of land 57.05' by 840' (47,922sf) along the length of the rear line dividing the two properties is suggested.
3. Purchase 1.1 acres from John F. Murphy Homes at 1805 Pownal Road.
4. Have the City initiate a rezoning to Low Density Country Residence District to include this lot and the two lots across Pownal Road. This action would make all three lots conforming.

Existing Policy References (Comp. Plan, etc): Copies attached: Auburn Maine Code of Ordinances- Sec. 60-146 Dimensional Regulations, Auburn Maine Code of Ordinances- Sec. 60-1445 zoning amendments purpose, Auburn Maine Code of Ordinances- Sec. 60-40 Reduction in dimensional regulations, Auburn Parcel Inquiry for 1863 Pownal Road,

Auburn Parcel Inquiry

City of Auburn Website MapAuburn Home Page

+ Find address or place Q



AGRICULTURE /  
RESOURCE PROTECTION

LOW DENSITY  
~~RESIDENCE~~ RESIDENCE

COUNTRY 3 ACRES or more

1863  
POWINAL RD.

COUNTRY RESIDENCE

Total - \$ 413,000

Total - \$ 215,000 Building V.

600ft

44.005 - 70.232 Degrees

## ZONING AMENDMENTS

Sec. 60-1445. - Purpose.

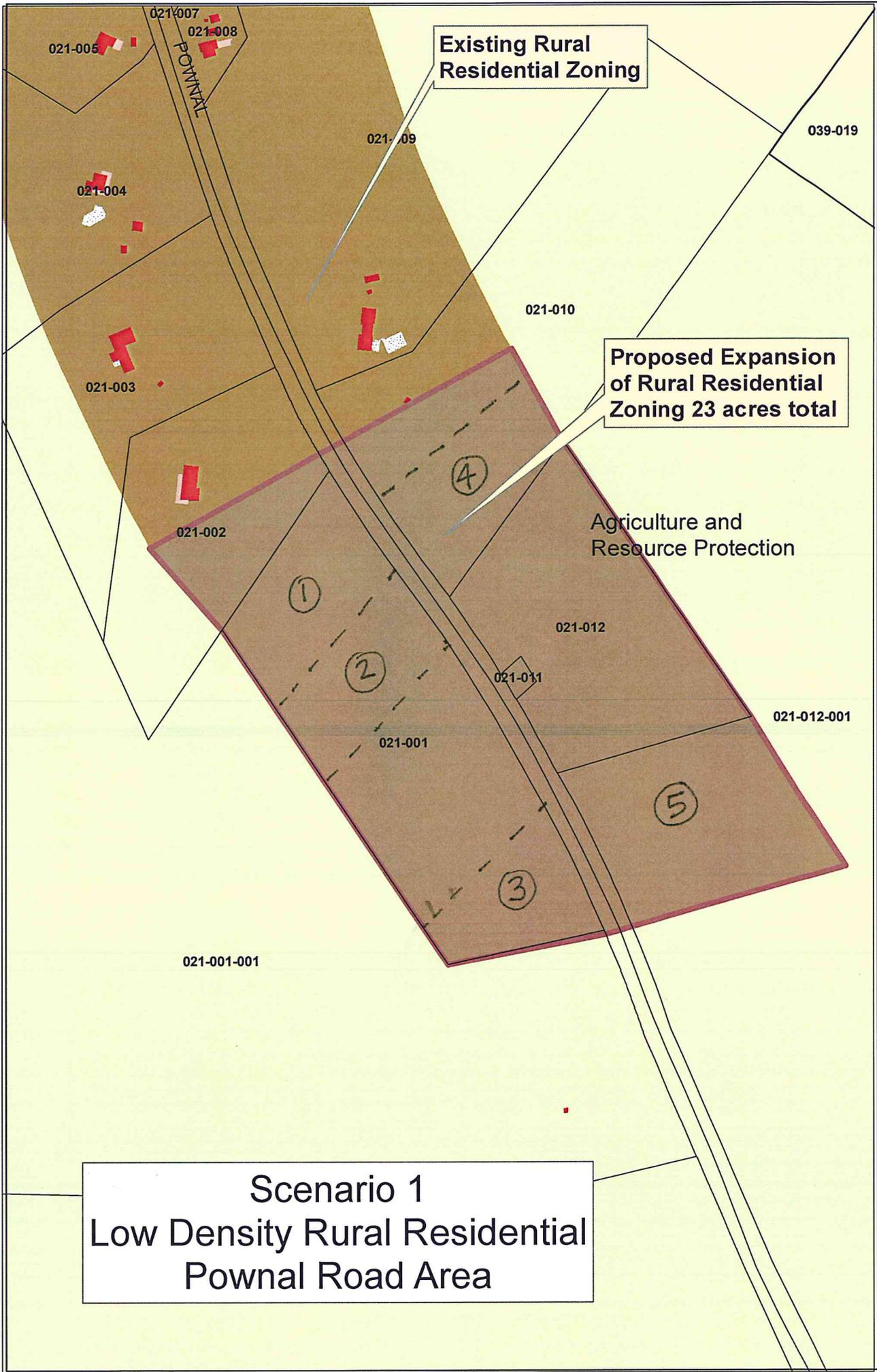
Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city.

(Ord. of 9-21-2009, § 8.1A)

Sec. 60-40. - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)



Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 23 acres total

Scenario 1  
Low Density Rural Residential  
Pownal Road Area

Agriculture and Resource Protection

021-005  
021-007  
021-008  
POWNALE

021-004

021-003

021-002

021-009

021-010

039-019

①

②

021-001

021-011

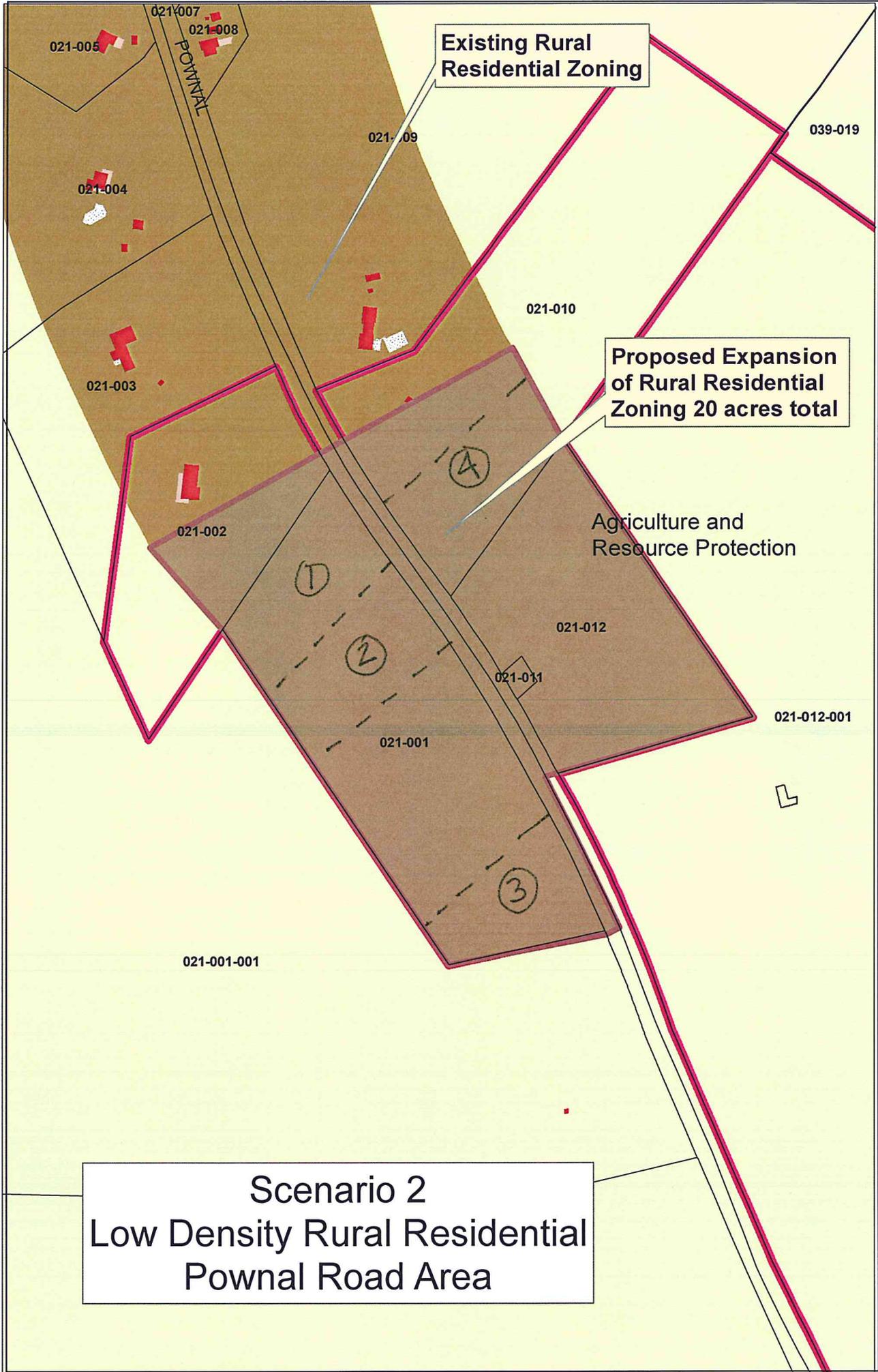
021-012

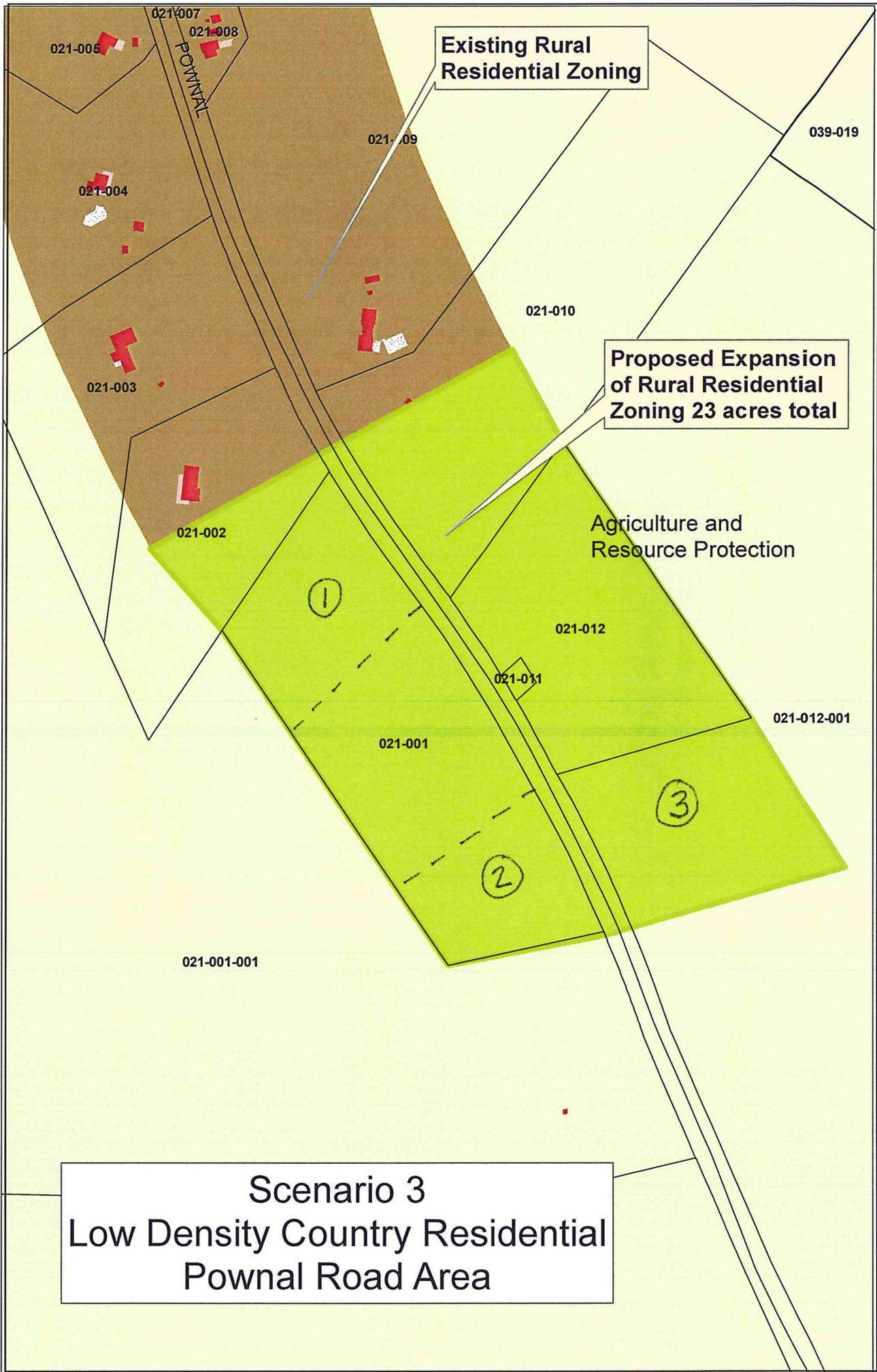
021-012-001

⑤

③

021-001-001





Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 23 acres total

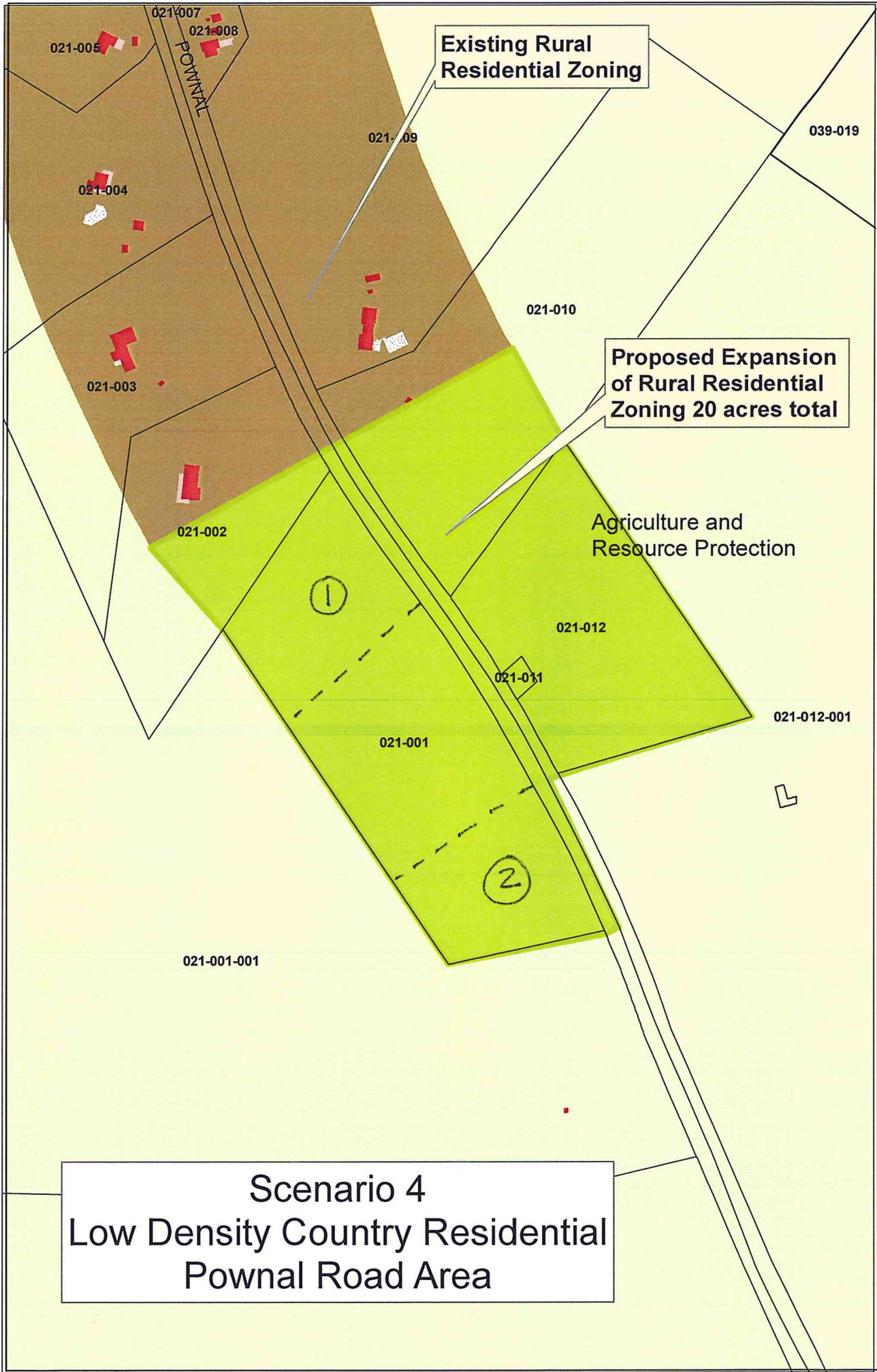
Agriculture and Resource Protection

Scenario 3  
Low Density Country Residential  
Pownal Road Area

①

②

③



Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 20 acres total

Agriculture and Resource Protection

Scenario 4  
Low Density Country Residential  
Pownal Road Area



**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

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

Re: Colonial Ridge PUD- Zoning Map Amendment- Industrial District to  
Suburban Residential

Date: August 9, 2016

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I. PROPOSAL- The Auburn Planning Board initiated a zoning map amendment for a small parcel of industrially zoned property to be rezoned to Suburban Residential at their July 12, 2016 meeting. The small .8 acre/35,000 sf parcel is part of the Colonial Ridge Planned Unit Development. At their July 12 meeting, the Planning Board approved an amendment to the PUD that included 15 new single family lots. The rear portions of lots 8, 9 and a detention area were found to be zoned industrial and the adjacent Colonial Ridge PUD residential development is zoned Suburban Residential.

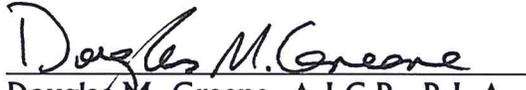
II. DEPARTMENT REVIEW- This zoning map amendment was reviewed by the Plan Review Committee on July 15, 2016.

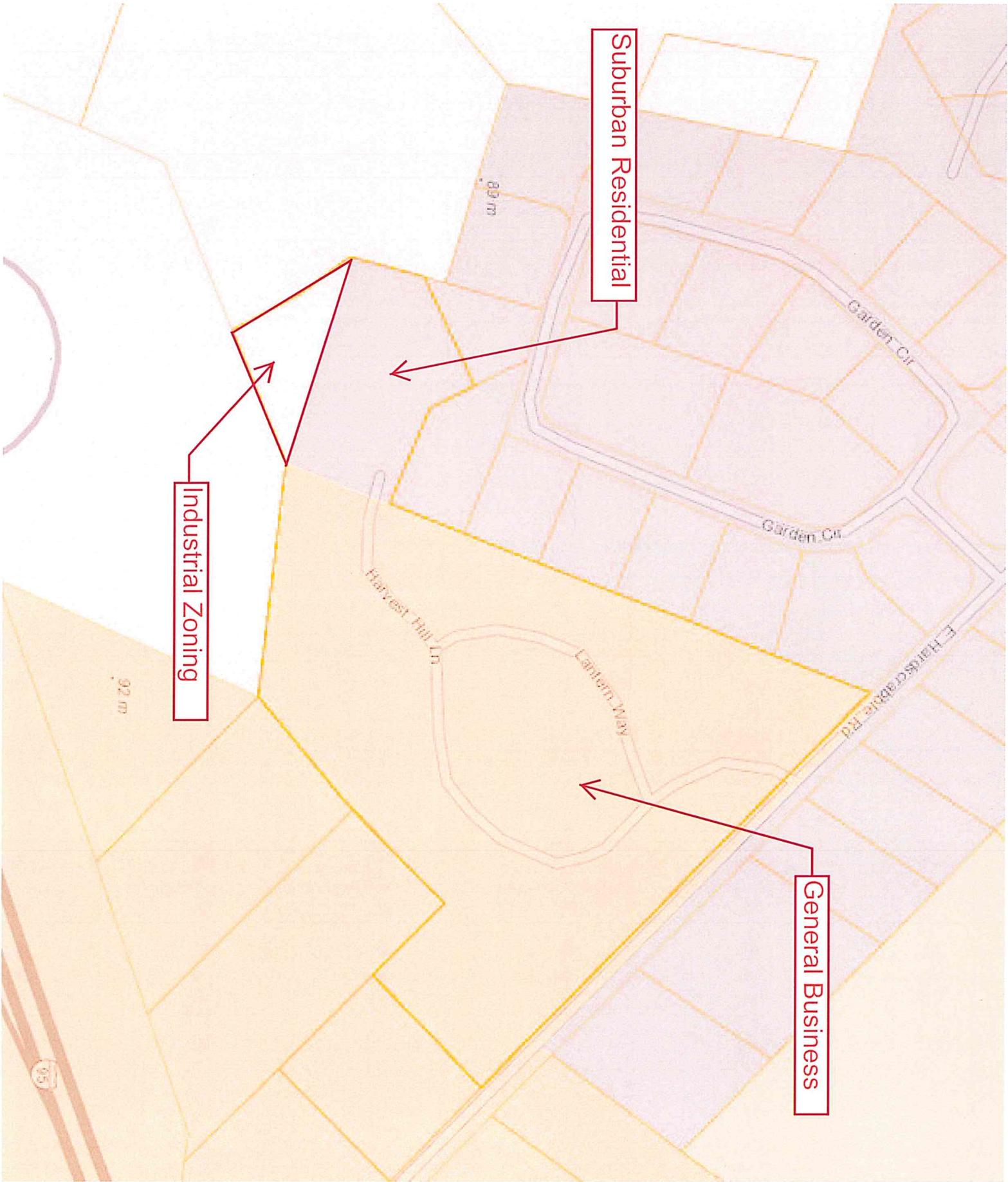
- a. Police- No comments.
- b. Auburn Water and Sewer- No comments.
- c. Fire Department- No comments.
- d. Engineering- No comments.
- e. Public Services- No comments.
- f. Planning and Development- No comments.

III. PLANNING BOARD ACTION- The Planning Board is being asked to make a recommendation to change the identified parcel from Industrial to Suburban Residential and forward that recommendation on to the City Council. Normally, the Planning Board should consider the property's Future Land Use (FLU) designation from the 2010 Comprehensive Plan. In this the FLU is shown as industrial. The Staff researched older zoning maps and found the industrial zoning dates back at least 20 years and considers the zoning to be a mapping error.

IV. STAFF RECOMMENDATION- The Staff recommends the Planning Board send a recommendation of **APPROVAL** to change the zoning for the .8 ac/35,000 sf parcel shown as the rear portion of lots 8, 9 and the detention area of the amended Colonial Ridge PUD with the following findings:

1. The Planning Staff find that the area zoned Industrial in the Colonial Ridge PUD as shown on the Auburn Zoning Map is in error.
2. The area identified for rezoning is clearly within and associated with the Colonial Ridge PUD, a residential development.
3. Should the area identified for rezoning remain industrial, it would cause a hardship for future property owners to utilize the property for residential uses.

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



Suburban Residential

Industrial Zoning

General Business





**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

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

Re: Mountain View Estates- 2 Lot Subdivision on Woodbury Road

Date: August 9, 2016

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I. PROPOSAL- Reggie Bouffard has submitted a 2 lot subdivision application near the corner of Woodbury Road and Danville Corners Road. The proposal will not create any new roads or public infrastructure and the 2 new lots will be served by private well water and septic systems. The surrounding area has been the location of new subdivision activity over the last 2 years.

II. DEPARTMENT REVIEW- This application was reviewed by the Plan Review Committee at its July 15<sup>th</sup> meeting.

- a. Police- No comments.
- b. Auburn Water and Sewer- No comments.
- c. Fire Department- No comments.
- d. Engineering- No comments.
- e. Public Services- No comments.
- f. Planning and Development- No Comments.

III. PLANNING BOARD ACTION- The Planning Board should review this subdivision application as per Section 60- 1359 Guidelines.

*When reviewing any subdivision for approval, the planning board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:*

(1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:

- a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;
- b. The slope of the land and its effect on effluents;
- c. The availability of streams for disposal of effluents; and
- d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14);

**Staff Comment- In agreement with criteria 1, parts a-d.**

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

**Staff Comment- In agreement.**

(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

**Staff Comment- In agreement.**

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

**Staff Comment- In agreement.**

(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

**Staff Comment- In agreement.**

(6) Will provide for adequate sewage waste disposal;

**Staff Comment- In agreement.**

(7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

**Staff Comment- In agreement.**

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

**Staff Comment- In agreement.**

(9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

**Staff Comment- In agreement.**

(10) Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section;

**Staff Comment- In agreement.**

(11) Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;

**Staff Comment- In agreement.**

(12) Has provisions for on site landscaping that are adequate to screen neighboring properties from unsightly features of the development;

**Staff Comment- In agreement.**

13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;

**Staff Comment- In agreement.**

(14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

**Staff Comment- In agreement.**

(15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

**Staff Comment- N/A**

In general, this is a very simple, straight forward subdivision proposal. The Planning Board has discussed, over the last 2 years in its review of Woodbury Heights, Phases 1 and 2, the need for road improvements to Woodbury Road. Woodbury Road is a public right of way and any improvements are the responsibility of the City of Auburn.

#### IV. STAFF RECOMMENDATION-

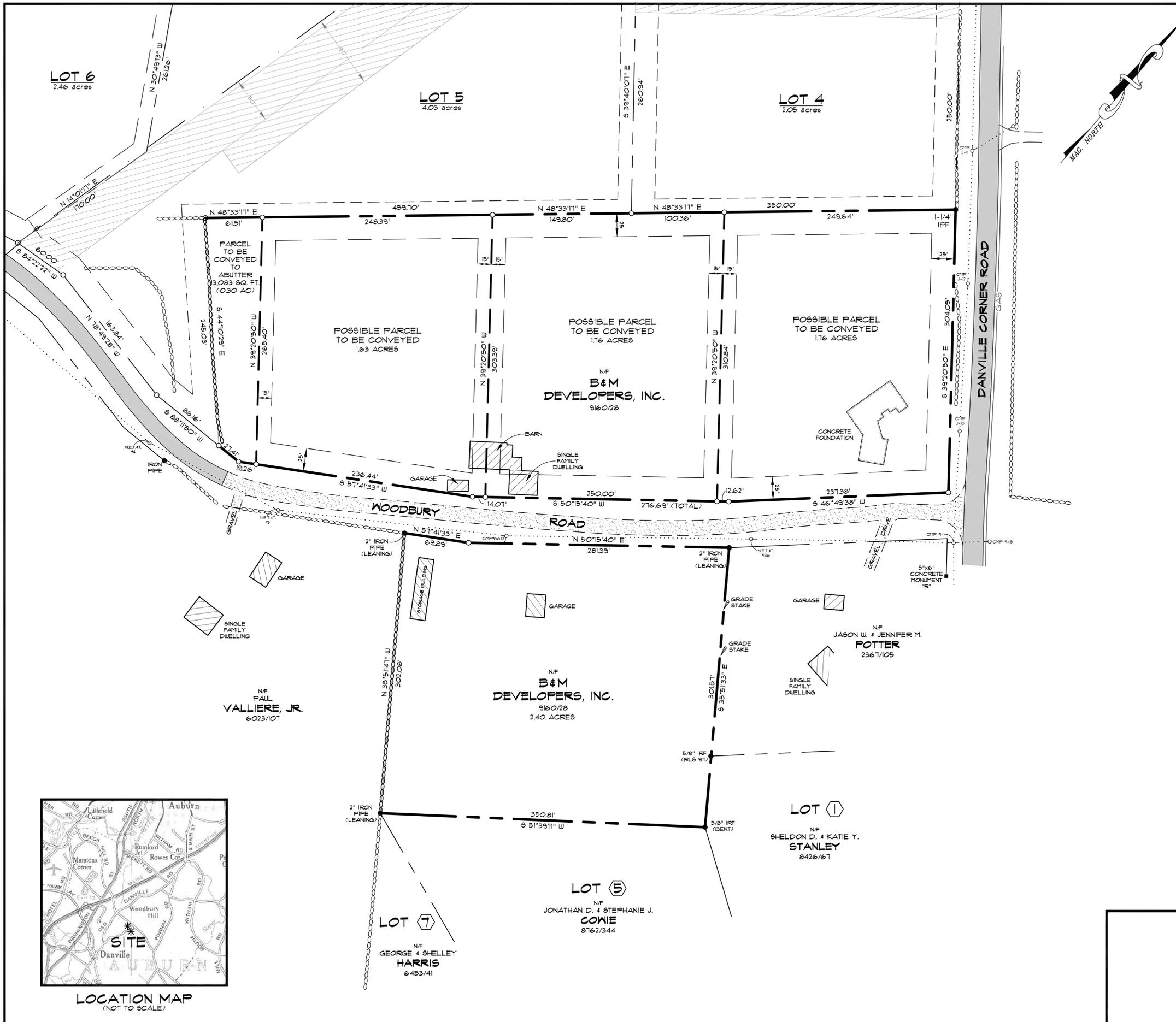
The Staff recommends **APPROVAL** of the 2 lot subdivision for Mountain View Estates with the following findings.

1. The 2 lot subdivision application for Mountain View Estates meets the requirements of Section 60- 1359 Guidelines 1 through 15.

Conditions- Should the Planning Board approve this application the following conditions shall apply:

1. No development activity shall occur until the Subdivision plan is recorded at the County Board of Registration.
2. No development activity shall occur until the Division of Engineering has determined if bonding or inspection fees are required.

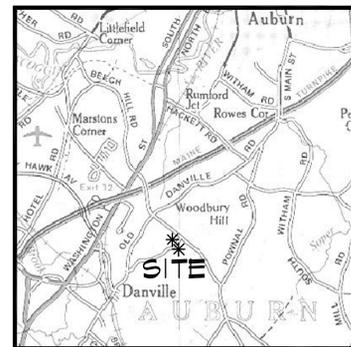
  
Douglas M. Greene, A.I.C.P., R.L.A.  
City Planner



- NOTES:**
- 1) ALL BEARINGS REFER TO MAGNETIC NORTH AS OBSERVED FEBRUARY 3, 1998, AND AS SHOWN AND ORIENTED TO A PLAN AS REFERRED TO IN NOTE 3 BELOW.
  - 2) ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
  - 3) TOTAL AREA OF PARCELS = 1.85 ACRES.
  - 4) REFERENCE IS MADE TO THE FOLLOWING PLANS:
    - A) "STANDARD BOUNDARY SURVEY - NORWOOD SUBDIVISION" DATED AUGUST 10, 1999 BY CULLENBERG LAND SURVEYING, AND RECORDED AT SAID REGISTRY IN PLAN BOOK 40, PAGE 189.
    - B) "WOODBURY HEIGHTS" DATED FEBRUARY 10, 2015, RECORDED AT SAID REGISTRY OF DEEDS IN PLAN BOOK 50, PAGE 191.
    - C) "WOODBURY HEIGHTS - PHASE 2" DATED JUNE 18, 2015, BY GEORGE S. BOUCHLES, PL 8 2295, RECORDED AT SAID REGISTRY OF DEEDS IN PLAN BOOK 51, PAGE 48.
    - D) "WINCHESTER HEIGHTS" DATED JUNE 22, 1987, AND RECORDED AT SAID REGISTRY OF DEED IN PLAN BOOK 33, PAGE 22.
  - 5) FOR INFORMATION REGARDING THE WOODBURY ROAD REFERENCE IS MADE TO THE CITY OF AUBURN'S COUNCIL RECORDS VOLUME 18, PAGE 246, DATED NOVEMBER 20, 1961. THIS ACTION BY THE COUNCIL WAS MADE TO OFFICIAL NAME CERTAIN ROADS WITHIN WARD FIVE. RESEARCH AT THE ABOVE REFERENCED REGISTRY, THE CITY OF AUBURN AND THE COUNTY COMMISSIONERS OFFICE INDICATED THE EXISTENCE OF THIS ROAD TO AT LEAST 1854. NO FORMAL DEFINITION FOR ITS LOCATION AND WIDTH WAS FOUND. THE APPARENT RIGHT OF WAY OF THE WOODBURY ROAD WAS ESTABLISHED AS A THREE (3) ROD WIDE ROAD (49.5') UTILIZING EXISTING MONUMENTATION FOUND (I.E. STONEWALL, IRON PIPES OR RODS, ETC.) AND THE CENTERLINE OF THE EXISTING ROAD AS BEST AS PRACTICABLE.
  - 6) THE PREMISES IS SHOWN ON THE CITY OF AUBURN'S MUNICIPAL TAX MAP NO. 110, LOTS 5 & 8 AND IS CURRENTLY LOCATED WITHIN THE "LOW DENSITY RURAL RESIDENCE DISTRICT". DIMENSIONAL REQUIREMENTS FOR THIS ZONE ARE AS FOLLOWS:
    - A) MINIMUM LOT SIZE = 46,560 SQ. FT. (1 ACRE)
    - B) MINIMUM FRONTAGE = 250'
    - C) MINIMUM FRONT AND REAR YARD SETBACK = 25'
    - D) MINIMUM SIDE YARD SETBACK = 15'
    - E) MAXIMUM HEIGHTS = 35'
  - 7) SOURCE DEED AND CURRENT OWNER: DANVILLE WOODBURY, LLC. - REFERENCE IS MADE TO A DEED FROM B&M DEVELOPERS, INC. TO DANVILLE WOODBURY, LLC DATED JUNE 29, 2015 AND RECORDED AT SAID REGISTRY IN BOOK 9180, PAGE 122.
  - 8) THIS PLAN WAS PREPARED UNDER THE DIRECT SUPERVISION OF GEORGE S. BOUCHLES, PL 8 2295.

**LEGEND:**

●	IRON PIPE OR ROD FOUND
○	IRON ROD WITH SURVEYOR'S I.D. CAP SET
⊖	STONE WALL
⋯	UTILITY POLE WITH OVERHEAD UTILITY LINE
—GAS—	APPROXIMATE UNDERGROUND GAS LINE
N/F	NOW OR FORMERLY
2367/105	BOOK AND PAGE NUMBER
—	PROPERTY LINE
- - -	BUILDING ENVELOPE AND SETBACK LINES
- · - · -	POSSIBLE PARCEL DIVISION LINES
LOT 4	LOT NUMBER (SEE NOTE 4C)
LOT 1	LOT NUMBER (SEE NOTE 4D)
⊞	GRAVEL ROAD
▬	PAVED ROAD



**BOUNDARY SURVEY**  
**B&M DEVELOPERS, INC. PROPERTY**  
 WOODBURY HILL & DANVILLE CORNER ROAD - AUBURN, ME  
 ANDROSCOGGIN COUNTY  
 PREPARED FOR AND OWNER OF RECORD  
**B&M DEVELOPERS, INC.**  
 135 CENTER STREET AUBURN, MAINE 04210

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prepared by  
**CADmaster Drafting,**  
 Land Surveying & Septic Designs  
 191 Madison St. - Auburn, ME 04210  
 tel./fax = 689-5252 cell=240-5567

DATE: JANUARY 25, 2016	SCALE: 1" = 50'	SHEET
JOB NUMBER: 14-060	CADD: 14-060582.DWG	1