



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Zach Mosher, City Planner

Re: Site Plan, Planned Unit Development & Subdivision Review of a 36 unit Residential Planned Unit Development (R-PUD) at 477 Minot Ave.

Date: September 12 2017

- I. PROPOSAL – On behalf of the applicant, Stephen Bushy, Project Engineer for Stantec Consulting Services Inc., agent for Developers Collaborative Predevelopment LLC & Continuum Realty LLC, is seeking **APPROVAL** of a thirty-six (36) unit Residential Planned Unit Development (R-PUD) residential housing development located at 477 Minot Ave., pursuant to Chapter 60 Article IV Division 9, Planned Unit Developments; Chapter 60 Article XVI Division 2, Site Plan Review and Chapter 60 Article XVI Division 4, Subdivision of the Auburn Code of Ordinances.

The proposed development will be located at 477 Minot Ave. (PID: 209-058) adjacent to Fairview Elementary School and will be located in an area that is a mix of general business and residential uses. The lot area is generally bounded by residential homes, businesses, and a school and will be accessed from Minot Avenue. The property is 3.91 acres and the overall developed area will be approximately 105,248 SF (2.41 ac.). The property is split-zoned General Business (GB) and Urban Residential (UR). The site is currently vacant, although there was a house and attached structure in the past. The site contains moderate slopes from back to front and to an onsite tributary that crosses the site's northwest corner, flowing from north to south, into a culvert that crosses Minot Ave.

The 36 unit will be a mix of one, two & three bedroom units dispersed throughout three new buildings at an approx. cost of \$6.4 million. Multi Family Housing is a permitted use in the GB district which refers to the Multi Family Suburban (MFS) district for density requirements. Attached single-family dwellings are a permitted use in the UR district provided they are presented as part of a residential Planned Unit Development (PUD). Please see the chart below for density requirements for zoning district.

District	Acres	Allowable Density	Proposed Density
General Business (Multi – Family Suburban)	1.07 Acres	17 units/acre	19 units
Urban Residential	2.83 Acres	6 units/acre Two family	17 Units
Totals	3.90 Acres		36 Units (9.1 Units per Acre)

Parking requirements for 36 units is 1.5 spaces per unit which equals 54 parking spaces, and the applicant has met that requirement. They need to provide open space as part of the PUD requirements.

Since the development's impervious area will be approx. 50,536 sq ft, the project will be subject to Site Plan Review and Subdivision Review. In addition, it will also require local delegated review related to the MaineDEP Stormwater Management (Chapter 500 requirements) for projects involving greater than 1 acre of new impervious area. A MaineDEP Natural Resources Protection Act (NRPA) Permit by Rule will be filed for activity within 75' of the resource.

II. DEPARTMENT REVIEW

School Department:

A. The School Department was curious about some kind of walking connection to Fairview School. The Project Engineer indicated that the developers are open to the idea, but it was brought to the attention of the Engineer that due to a site drainage system at the west side of the school property, that any connection would not be probable. The proposed development would include Minot Ave. sidewalk connections to the school.

Police Department:

A. Police wanted to know what kind of management plan would be in place for the development regarding maintenance issues. The Project Engineer indicated that the developers would also assume the management of the property as they are building/expanding that side of with the management of this property and others in Southern Maine. Police were curious as to the target population for the apartments and the developer indicated it would be workforce housing.



Fire Department:

- A. Fire had questions over what the turning radii would be for the internal road connecting Building #1 with Buildings #2 & #3 and the plan was revised to meet the requirements for the Fire Department's E-One Fire Truck as well as other emergency vehicles. Please refer to the revised plans in your packet.

Water and Sewer District:

- A. AWSD indicated that instead of trying to connect the development's wastewater to the sewer extension in front of the school, they could work to connect to a sewer main located at 526 Minot Ave to serve the property. This would be a shorter run for them and eliminate the need for a pumping station. AWSD also mentioned that all of Minot Ave. was slated for a Mill & Fill in 2018 which would trigger a 5-year moratorium on street-cuts.

Engineering Department:

- A. No comment.

Planning Department:

- A. The Planning Department worked with the developer to meet the open space requirements of a Planned Unit Development.

III. PLANNING BOARD ACTION- The Planning Board will review this application as per Chapter 60 Article IV Division 9, Planned Unit Developments; Chapter 60 Article XVI Division 4, Subdivision and Chapter 60 Article XVI Division 2, Site Plan Review of the Auburn Code of Ordinances.

Part 1

Planned Unit Developments - In general terms, the Planning Board should review the PUD application with **Sec. 60-361 - General Standards (Planned Unit Development)** - The following provisions apply to all planned unit development districts:

- (1) The setback, lot width and lot coverage requirements as stated in individual zoning classification shall apply within the PUD but may be reduced due to individual site limitations as determined by the planning board. **(Setbacks, lot width, and lot coverage requirements have been met).**
- (2) The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter

except that the planning board may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

- a. Probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. Parking needs of any non dwelling uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed. **(Parking requirements have been met for this proposal).**
- (3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change. **(N/A)**
- (4) In any PUD involving residential uses that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that created through the reduction in required lot sizes, to be held for the mutual use of the residents of the PUD. This shall be accomplished by either:
- a. The land shall be administered through a homeowner's association; or
 - b. The land shall be dedicated to and accepted by the city for public use. **(The developer is not seeking a density bonus for this project.)**
- (5) All of the requirements of the city code applicable to the zoning district not addressed in this division, shall apply. **(Zoning requirements have been met.)**
- (6) Before granting approval of the final development plans, the city must be satisfied that said plan incorporates each of the following criteria or can demonstrate that:
- a. One or more of the criteria are not applicable; or
 - b. A practical substitute has been achieved for each of these elements consistent with the public interest:
 1. There is an appropriate relationship to the surrounding area; **(The development is compatible with the surrounding areas.)**
 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and noise and exhaust control. Proper circulation in parking areas is designed for safety, convenience, separation and screening. **(The development does not contain an internal street, although it will have a single driveway entrance onto Minot Avenue. The parking layout includes a single loaded layout of parking spaces at the front of the three buildings, all connected to a common drive aisle that is 24' wide.)**
 3. Functional open space in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief and convenience of functions; **(A revised plan now meets staff approval for open space).**
 4. Privacy in terms of needs of individuals, families and neighbors; **(N/A)**

5. Pedestrian bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness; ***(The site layout has been designed to include sidewalks that will connect to the existing sidewalk along Minot Avenue.)***
6. Building types in terms of appropriateness to density, site relationship and bulk; ***(The proposed building type is consistent with the surrounding area. They will consist of two-story, wood framed structures with pitched roofs.)***
7. Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting; ***(N/A)***
8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any; ***(The proposed landscaping plan includes adequate measures for buffering, particularly along the east side of the site, adjacent the school property.)***
9. Maintenance, suitability and effect on the neighborhood; ***(The development is expected to be managed professionally with a management team and vendors for specific maintenance needs.)***
10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued. ***(The current proposal is to extend gravity sewer to an existing sewer collection system in Minot Avenue, located just west of the site.)***

The Planning Board also will review the application to see that it meets the **Section 60-385 Planned Unit Development- Residential (PUD-R) for uses and density.**

- a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
- b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
- c. *Design.* A unified cohesive development, focal points (cluster of seating, art forms, water feature) for orientation and interaction, variety of scale.
- d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
- e. *Convenient.* A convenient well-defined access.

- f. *Compatibility.* The compatibility with ultimate plans for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(None of these criteria apply as the developer is not seeking a density bonus.)

PART 2 -

Subdivision Review - When reviewing any subdivision for approval, pursuant to **Chapter 60, Sec. 60-1359**, 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; ***(The development site is located outside of a floodplain and the site soils appear suitable to support building and land development given the historical use of the site and nearby property development.)***

b. The slope of the land and its effect on effluents; ***(N/A)***.

c. The availability of streams for disposal of effluents; and ***(N/A)***.

d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14); ***(The site design has been prepared to be compliant with the MaineDEP Chapter 500 regulations and local code provisions.)***

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision; ***(The development will be served by adequate domestic and fire supply water service and connections to an 8" water main in Minot Avenue.)***

(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; ***(AWSD has provided a letter indicating water and sewer capacity subject to connection)***.

(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; ***(The development will retain a significant portion of the land in its current condition therefore maintaining the ability to absorb water.)***

(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; ***(The development is expected to produce a limited amount of new traffic to Minot Avenue)***.

(6) Will provide for adequate sewage waste disposal; ***(The development will connect to the City's municipal wastewater collection system at 526 Minot Avenue.)***

(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; ***(N/A)***.



- (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; **(N/A).**
 - (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; **(Staff agrees that this development is in accordance with Auburn’s Comprehensive Plan).**
 - (10) Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section; **(The applicant has provided adequate documentation.)**
 - (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; **(The proposed development design has been prepared in a manner to not burden the proposed property due to excessive density or land use.)**
 - (12) Has provisions for on site landscaping that are adequate to screen neighboring properties from unsightly features of the development; **(Development includes adequate screening).**
 - (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; **(The site layout has been prepared to accommodate emergency vehicles.)**
 - (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; **(The site will not result in any adverse effects to groundwater quality.)**
 - (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. **(N/A).**
- (Ord. of 9-21-2009, § 7.3A)

Part 3

Site Plan Review-

“The applicant must meet the following provisions of the Site Plan Review Law- Section 60-1277 as follows:

- 1. Does your site plan protect 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? **(The drainage system being proposed is in compliance with the Maine Department of Environmental Protection Chapter 500 Stormwater Management regulations. A full Stormwater Management Report, supporting calculations and plans accompany this***

submission and is included in Attachment A in revision dated August 29 2017).

2) *Is the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas adequately addressed? **(Vehicular and pedestrian movement on the project side have been adequately addressed; the development will include a single 24' two-way access driveway onto Minot Avenue, slightly east of an existing driveway that served the previous site development. Sight lines in each direction exceed 500 feet which is sufficient based on the estimated 35 MPH speed limit in the vicinity. There are 5' wide paved sidewalks on each side of Minot Avenue in the site vicinity and the proposed development will include multiple sidewalk connections to the street sidewalk. It is estimated that the development will generate approx. 37 trips, so no traffic movement permit will be required).***

3. *Are the proposed methods of disposal for wastes adequately addressed? **(The site will contain a screened solid waste enclosure for the placement of one or more solid waste containers for collection of disposable and recyclable materials).***

4. *Does your site plan provide adequate protection of environment features on the site and adjacent areas? **(The proposed development layout has been prepared in a manner to maintain a setback from the stream, with a couple exceptions).***

Sec. 60-1365. - General requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.

(1) *Subdivision plan shall conform to the comprehensive plan. Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances. **(The development is consistent with the Urban Housing Vision outlined within the vision statement contained in the Comprehensive Plan.)***

(2) *Preservation of natural and historic features. The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. **(The proposed site layout has been prepared to work with the site conditions including the preservation of a natural stream and wooded buffer along the stream.)***

(3) *Lots.*

a. *The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. **(The lot layout has been prepared to comply with the zoning space and bulk dimensional requirements.)***

b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated. ***(The development layout provides adequate parking with at least 1.5 spaces per unit and achieves sufficient maneuvering space for access and emergency vehicles.)***

c. No person shall make a subdivision within the city unless all lots of the proposed subdivision have frontage, as regulated by the zoning ordinance, upon a way granting legal access. The following ways shall constitute legal access to a lot:

1. A way accepted by or established as belonging to the city, provided access is not specifically prohibited.

2. A public way shown on a plan approved in accordance with the provision of this chapter and in this Code.

3. A private way (unaccepted street) existing prior to October 6, 1968, which way is shown on a plan recorded in the registry of deeds prior to such date and is deemed adequate by the planning board as evidenced by the board's endorsement on a final plan for the subdivision of land. In its approval of an existing private way, the board may make whatever requirements it feels necessary to improve the way commensurate with the projected use of same.

4. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on the site while work authorized by the permit is being conducted.

(The site possesses adequate frontage. No individual lots are proposed.)

Part 4

Waiver Requests – The applicant is seeking a waiver request to survey of single trees with a 10” diameter or more, pursuant to Chapter 60, Sec. 60-1301 (7). The applicant is also seeking a waiver request for soil evaluation as this development will not include any onsite wastewater disposal, pursuant to Chapter 60, Sec. 60-1301 (10). Staff supports these waivers as reasonable requests.

I. STAFF RECOMMENDATION-

A. STAFF RECOMMENDATION - The Staff recommends **APPROVAL** of the 36 unit residential Planned Unit Development at 477 Minot Ave. The recommendation is made with the following findings:

1. The application meets the requirements of Article VI District Regulations, Division 9, Planned Unit Developments.

a. The application meets the requirements of Sections 60-360 (Scope)

- b. The application meets the requirements of Sections 60-361 (General Standards).
 - c. The application meets the requirements of Sections 60-385 (Uses and Density).
 - d. The application meets the requirements of Sec. 60-419 (Submission and Review).
2. The application meets the requirements of Sec. 60-1277 (Site Plan Review).
 3. The application meets the requirements of Sec. 60-1359 (Subdivision Guidelines).

Should the Planning Board the residential Planned Unit Development at 477 Minot Ave., the approval is subject to the following conditions.

1. No development activity until any bonding or inspection fees is determined and received by the Auburn Engineering Department.
2. Area reserved for Emergency Turnaround will be kept clear year-round.
3. No development activity until applicable DEP permits have been issued.



Zach Mosher
City Planner