

To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: North River Road (PID 271-101), Proposed 3, 12-Unit Apartment Buildings and associated parking, driveways, landscaping, utilities, & other site improvements in the General Business Zoning District.
Date: November 12, 2019

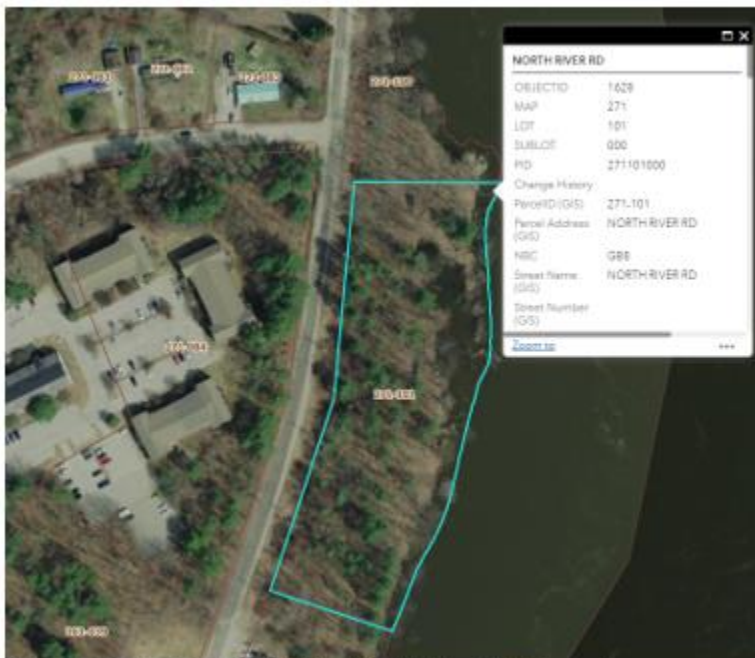


Figure 1: North River Road (PID: 271-101) Aerial Photography

I. PROPOSAL – SurveyWorks, Inc. on behalf of Tim Millett is seeking **Preliminary** Subdivision approval pursuant to Chapter 60, Article XVI Division 4, Subdivision, Sec. 60-1359 of the Auburn Code of Ordinances. Final Subdivision review will be scheduled for the December meeting.

The proposal is for the construction of 3, 12-unit apartment buildings for a total of 36 units and associated parking, driveways, landscaping, utilities and other site improvements on North River Road (See Figure 1). The parcel on North River Road is located in the General Business Zoning District which reverts back to the Multifamily Suburban (MFS) District for unit density. For Multifamily buildings, the density is 10,000 square feet for the first dwelling unit and 2,000 square feet for

each additional dwelling unit but caps multifamily housing at 17 units per acre. With a 98,917 square foot lot size (2.27 acres), the math allows for up to 38 units (2.27 acres x 17 units allowed per acre).

The General Business Zoning District (Sec. 60-500(3)(d)) allows for more than one principal building to be erected on a lot, provided that the building meets all of the yard requirements and the buildings are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater. *All three buildings are proposed to be taller than 30 feet and they are each separated from each other by at least 30 feet.*

The Multifamily Suburban (MFS) Zoning District requires that not less than 50% of the net acreage be devoted to green area. Green space can include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but not off-street parking spaces, driveways, or common roads. The net acreage can include all land contained within the project except dedicated streets or streets ROW shown on the City’s adopted master development plan or proposed to be included within a reasonable amount of time. *Half of the 2.27 acres would be 1.14 acres of green space required to satisfy this standard. The Applicant has shown on the plan that 1.43 acres of green space has been provided as part of the*

remaining lawn and wooded area after subtracting out the total square footage of the proposed buildings/decks/patios and paved/concrete areas.

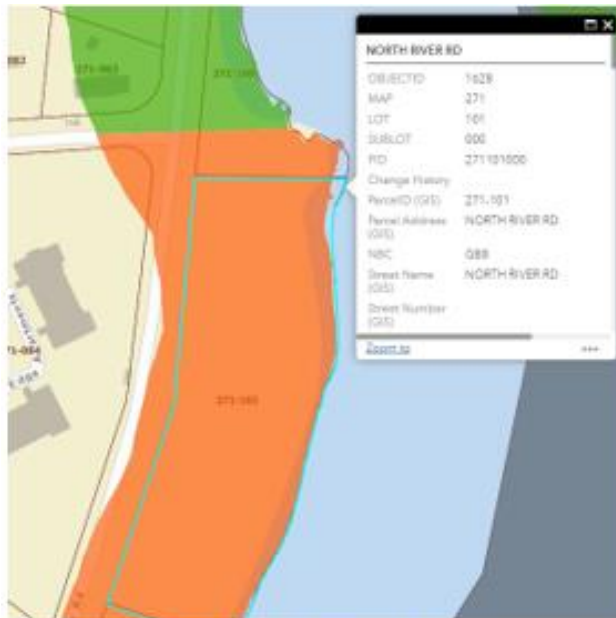


Figure 2: Subject Parcel (Shoreland Zone)

on the Sketch Plan it shows the building height as 39.3 feet. Where a fill permit was issued for the site before any building permits were applied for, we recommend measuring the building height from the current site elevation to the peak of the proposed roof. If the buildings are greater than 35 feet, we recommend the Applicant look to change the roofline to accommodate the City building height



Figure 3: Subject Parcel (Floodplain)

The parcel is also located within the General Development Shoreland Zone which has standards regulating new construction. The most applicable requirements are bulleted here:

Sec. 60-992. – Principal and Accessory Structures. The orange area on the map to the left (Figure 2) is the General Development Shoreland Zone area.

- Per Subsection (a): General Development areas require a 25-foot setback from the normal high-water line. *The buildings are located outside of the 25-Foot setback from the normal high-water line. For clarification purposes, Planning Staff would recommend delineating the 25-foot setback and normal high-water line on the final plan.*
- Per Subsection (b): Principal structures cannot exceed 35 feet in height.

The Applicant has noted in the application that the maximum height will be 34.9 feet. However,

the Sketch Plan it shows the building height as 39.3 feet. Where a fill permit was issued for the site before any building permits were applied for, we recommend measuring the building height from the current site elevation to the peak of the proposed roof. If the buildings are greater than 35 feet, we recommend the Applicant look to change the roofline to accommodate the City building height requirements which may include: less steep roof pitch, saltbox design or even a flat roof. The Shoreland Zoning standards define the “height of a structure” to be “the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Per Subsection (c): The lowest floor elevation or openings of all buildings and structures need to be elevated in accordance with the floodplain overlay. *The floodplain regulations require buildings located in the AE floodplain (yellow area on map to the left in Figure 3) be elevated 1 foot above the base flood elevation (BFE). The BFE is 176.80 feet, the buildings are proposed to have a finished floor elevation (FFE) of 185 feet.*

- Per Subsection (d): The total footprint of all structures, parking lots and other non-vegetated surfaces within the Shoreland Zone cannot exceed 20% of the lot or a portion thereof, *except in General Development areas adjacent to rivers that do not flow to great ponds classified GPA, where the lot coverage cannot exceed 70%. This lot is located in a General Development district. The proposed non-vegetated*

area (parking/buildings) is 36,811 square feet. The lot is 2.27 acres or 98,881 square feet. To stay under the 70% lot coverage threshold, the maximum area that could be covered by structures, parking lots and other non-vegetated surfaces would be 69,216 square feet. At the proposed 36,811 square feet, they are under this requirement.

- Per Subsection (e): Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided a number of conditions are met. *The retaining wall does appear to be located within 25 feet of the normal high-water line. However, as discussed above, Planning Staff recommends the normal high-water line be delineated on the plan.*

Sec. 60-997. – Parking Areas.

- Per Subsection (a): Parking areas are required to meet the same shoreline setback as structures. *The shoreline setback for structures is 25 feet, the parking areas appear to meet this requirement. However, as discussed above, Planning Staff would recommend delineating the 25-foot setback and normal high-water line on the final plan.*
- Per Subsection (b): Parking areas are required to be adequately sized for the proposed use and designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland, and where feasible, to retain runoff on-site. *The parking areas are adequately sized in accordance with the Access Management and Parking/Circulation Standards (see discussion below). More detailed stormwater plans are forthcoming.*
- Per Subsection (c): The two considerations for determining the size of parking facilitates is that a typical parking space is approximately 10 feet wide by 20 feet long and that the internal travel aisles are approximately 20 feet wide. *The parking and circulation standards require parking spaces to be 9 feet wide by 18 feet long and the internal travel distance aisles to be 20 feet wide. Where the shoreland zoning section of the ordinance says “approximately” Planning Staff would defer to the Access Management and Parking/Circulation Standards to be the most applicable and they meet those requirements (see discussion below).*

Sec. 60-998. – Roads and Driveways.

- Per Subsection (1): Roads and driveways are required to be setback at least 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland *unless no reasonable alternative exists as determined by the Planning Board.* If that determination is made, then the setback shall be no less than 50 feet upon clear showing by the applicant that the appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland (examples are included in the ordinance). *The driveway proposed to access this development appears to be located more than 75-feet from the normal high-water line. However, as discussed above, Planning Staff recommends the normal high-water line and the setbacks be delineated on the final plan. Furthermore, the General Development Shoreland Zoning District allows for a 25-foot setback for structures and as discussed above and Sec. 60-997(a)) requires the same for parking areas.*
- Per Subsection (4): Roads and driveway banks cannot be steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control discussed in the clearing/removal of vegetation for activities other than timber harvesting section of the ordinance. *More information is required beyond the Sketch Plan to be able to make this determination. However, a retaining wall will be used to aid in site stabilization and flood protection.*
- Per Subsection (5): Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet. *More information is required beyond the Sketch Plan to be able to make this determination.*
- Per Subsection (6): To prevent road and driveway surface drainage from directly entering water bodies, they must be designed, constructed and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope. *More information is required to be able to*

make this determination, however, it does appear that stormwater from the parking areas and buildings is proposed to be directed into one of two proposed wet ponds.

Sec. 60-999. – Stormwater Runoff.

- Per Subsection (a): All new construction and development is required to minimize stormwater runoff from the site in excess of natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters. *A natural berm along the river has been maintained.*
- Per Subsection (b): Stormwater runoff control systems are required to be maintained as necessary to ensure proper functioning. *Planning Staff recommends this be included as a condition of approval, since these are proposed to be rental apartments and not condominiums, there likely will not be Homeowners Association documents to include this in, it will be the responsibility of the Owner to ensure the property is maintained.*

Sec. 60-1004. – Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

Clearing has already taken place at the site which was reviewed administratively by Staff. Planning Staff recommends the Applicant submit further information on additional clearing, if any is proposed to take place for the construction of the buildings/parking areas. In addition, a Floodplain Fill Permit was already issued for the site on June 24, 2019.

Sec. 60-1005. – Erosion and Sedimentation Control Standards. *More information is required beyond the Sketch Plan to be able to make this determination.*

Sec. 60-1006. – Soils. All land uses are required to be located on soils in or upon which the proposed uses or structures can be established without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution whether during or after construction. *The application materials include preliminary geotechnical information, including 7 soil boring logs at various locations throughout the site including proposed building locations and parking lots/driveways.*

Other applicable standards are (Article V) Off-Street Parking and Loading, (Article X) Access Management Standards, (Article XII, Division 2) Floodplain Overlay District and (Article XVI, Division 4) the Subdivision Standards. The applicable sections are bulleted below:

Article V, Sec. 60-607: Off-Street Parking and Loading

- Per Section (2): An effective area of 9 feet by 18 feet in dimension. *Where this is a sketch plan, parking stall dimensions are not shown on the plan. Using a scale, they exceed the 9x18 requirement. For clarification, Planning Staff recommends the size of a typical parking stall be shown on the plan.*
- Per Section (4): At least 20 feet in width for interior driveways and ingress and egress points serving parking areas. *Where this is a sketch plan, measurements for interior driveway/ingress/egress points are not shown on the plan, however, by scaling, it does appear they exceed this requirement. For clarification, Planning Staff recommends the size of the aisle width be shown on the plan.*
- Per Section (11): Requires exterior lighting provided in parking/loading areas to be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public way. *Planning Staff recommends the Planning Board require information on lighting be shown on the final plan.*
- Per Section (12): All uses with over 5 parking and/or loading spaces are required to meet the following standards:
 - All access drives, parking, loading and service spaces are required to meet four standards:
 - All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy these criteria include:

Bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared. *The Applicant plans to use pavement for the walkways and parking spaces.*

- Parking/loading spaces shall be suitably marked by painted lines or other appropriate markings. *The Applicants are showing marked lines for the parking spaces on the Sketch Plan.*
 - A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street ROW, or landscaped area to prevent vehicles from rolling into such areas. *Curbing is shown along the paved walkways and in between the proposed buildings. There is an area along the side of the parking lot with 12 stalls that does not appear to show curbing. The parking area would be considered along the side setback. Curbing is also not shown between the 27 spaces in the front of the parking area and the 10-foot landscape area abutting North River Road.*
 - Parking cannot be placed nearer than 10 feet from the street ROW line, the area between the parking area and the street ROW line is required to be landscaped. *A landscaped area is proposed between the ROW line and North River Road that meets this requirement.*
- Per Section (14): No portion of any entrance or exit driveway serving a residential use or building shall be closer than 50 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties. *The closest intersection to this property is Northern Road. The proposed curb-cut is 280-300 feet away from Northern Road.*
 - Per Section (15): On lots where 1 entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where 2 or more driveways or curb-cuts are constructed, the curb-cuts shall not exceed 20 feet in width. *The curb-cuts do appear to exceed 20 feet in width based on the plan. They each appear to be about 24 feet. Planning Staff recommends the width of the curb-cuts be discussed with the Fire Prevention Officer as additional width may help with truck turning radius and circulation at the site. If so, Planning Staff recommends the Applicant request a waiver for the December Planning Board meeting. In addition to the recommendation from the Fire Prevention Officer, another basis for granting the waiver could be that the parcel could be split into a number of different parcels, each with their own curb-cut. With this development, they are only proposing the two curb-cuts.*

Sec. 60-608. – Parking Requirements. The minimum number of parking spaces required for a multifamily land use is 1 ½ spaces per dwelling unit. *With the proposed 36 dwelling units, the number of parking spaces required is 54. They have provided 54 parking spaces, including 3 handicapped spaces.*

Article X, Sec. 60-608: Access Management Standards

Sec. 60-799. – Safe Sight Distance.

- *The area in front of a majority of the parcel is 25MPH. About 360 feet from the Northern Avenue intersection, the speed limit changes from 25MPH to 35MPH. For a 25MPH road, the minimum sight distance is 250 feet. For a 35MPH road, the minimum sight distance is 350 feet. Planning Staff recommends the Applicant show the sight distance between the two proposed curb cuts and Northern Avenue on the plan or in the final application materials.*

Sec. 60-800. – Curb Cut and Driveway Spacing.

- *As stated above, the area in front of a majority of the parcel is 25MPH. About 360 feet from the Northern Avenue intersection, the speed limit changes from 25MPH to 35MPH. For a 25MPH road, the minimum spacing between curb cuts and driveways is 105 feet. On a 35MPH road it is 150 feet. The separation between the two curb cuts is 285.94 feet. They exceed this requirement. While not shown on the plan, it does appear the last curb cut is more than 150 feet from Northern Avenue. The Applicant should verify this information in the final application materials.*

Sec. 60-801. – Number of Driveways per Lot. There are three standards that govern the maximum number of driveways on a particular site depending on the type of traffic generated.

- Per Section (2): No medium or high-volume traffic generator shall have more than one two-way access or two one-way accesses in total onto a single roadway. *According to the Applicant, the proposed use will generate 288 trips per day. The two access points are two-way. As discussed above with a recommendation from the Fire Prevention Officer and the possibility of having a number of curb-cuts, we would recommend the Applicant submit a waiver request for the driveways.*

Article XII, Division 2: Floodplain Overlay District

Sec. 60-893.5 – 60-896. – Requirements for Flood Hazard Development Permit. *This section lists out the requirements and criteria for a Flood Hazard Development Permit which is required to be reviewed by Planning Staff.*

Sec. 60-897. – Development Standards.

- Per Section (B): All new and replacement water supply systems are required to be designed to minimize or eliminate infiltration of flood waters into the systems. *A new public water line is proposed to serve this development. Auburn Water/Sewer has the capacity to serve this development and will review the design of the system.*
- Per Section (C): All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters. *As discussed above, a new sewer system will be installed for this development. Auburn Water/Sewer will review the design of the system before installation.*
- Per Section (D): On site waste disposal systems are required to be located and constructed to avoid impairment to them or contamination from them during floods. *The dumpster appears to be located at the back of one of the parking lots in front of the proposed retaining wall, screened and above the BFE.*
- Per Section (F): All new construction or substantial improvement of any residential structure located within the AE Flood Zone shall have the lowest floor (including the basement) elevated to at least one foot above the BFE. *As discussed above, the BFE is 176.80 feet and the finished floor elevation of the structures is 185 feet.*

Sec. 60-898. – Certificate of Compliance. No land can be occupied or used until a certificate of compliance is issued by the Planning Department subject to the three conditions listed in the ordinance. *Planning Staff recommends this be required as a Condition of Approval.*

Sec. 60-899. – Review of Subdivisions and Development Proposals. There are 5 standards that the Planning Board needs to consider for proposals in the floodplain. They are listed below under “Planning Board Action.”

Article XVI, Division 4: Major Subdivision

Sec. 60-1361. – Major Preliminary Subdivision.

- Per Section (F): When granting preliminary approval of the preliminary plan, the Planning Board is required to state the conditions of such approval, if any, with respect to:
 - The specific changes which it will require in the final plan;
 - The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.

Planning Staff recommends the Planning Board review the bulleted items in this Staff Report and use those items as a reference point for the changes required in the final plan as well as potential waivers (site circulation/curb-cuts).

Sec. 60-1367. – Recreation area/open space standards. *Below are the standards in the Subdivision ordinance pertaining to recreation area and open space. Based on the requirements in Section (A), this*

development would be required to designate 4 acres of recreational open space to have 36 units. Where this is not feasible, the Applicant is proposing to dedicate a portion of the parcel to the City to be used as a boat launch. Sections (B-L) discuss the process to be able to accept the contribution. City Staff will be meeting with the Parks & Recreation Board on Wednesday, November 13th to bring back a recommendation to the Planning Board on the dedication of the boat launch, open space proposed at the site as well as a potential public easement for the trail along the riverfront. The Planning Board will have to review this information at the December Planning Board meeting.

- Per Sections (A-L): (A) Every developer of a residential subdivision shall include as part of a subdivision proposal a provision for recreational and open space which is adequate to meet the reasonably foreseeable needs of the residents of the subdivision. The standard established by the city to satisfy this purpose is an area of not less than 43,560 contiguous square feet or one acre of land for the first 10 lots or units. The amount of land required is increased at a rate of 5,000 square feet per unit for each unit over 10 acres. The standard notes in Sec. 60-1365 shall be used as a guideline by the planning board and may be varied for low impact developments.

(B) In any case in which the developer chooses to develop in total or in part land area that could be used to satisfy the recreational land dedication for units/house lots of it is not feasible to dedicate rights and land to meet the requirements due to topography, location or other limiting factors or if the developer can satisfy the planning board that a dedication of land is not required for recreational and open space needs, the developer may contribute to the city, or to a condominium or homeowners' association, a fee-in-lieu amount in cash which is essentially equivalent to the value which such dedicated land rights in the area where the proposed subdivision is located would have had. This fee will be capped at and based on the average market value of similarly zoned land in the immediate area of the proposed development at the time of final subdivision approval as determined by the city tax assessor.

(C) In reviewing the amount of money requested, the board shall review the adequacy of existing facilities available to the inhabitants of the subdivision, improvements that may be needed by the existing facilities to make them adequate for the additional impact being created by the added units and any other factors which may influence the need for land dedication for a fee-in-lieu of.

(D) A developer may choose to use both the land dedication provision and fee-in-lieu of land dedication provision in conjunction with each other. Any fee-in-lieu of amount of money used with a land dedication shall be used to develop, enlarge or enhance this recreational facility.

(E) In determining the adequacy of land dedication and/or fee-in-lieu of land dedication, the board shall assess the projected needs of the inhabitants of the subdivision. If the planning board determines that full land dedication is necessary, then they may require such land dedication with no fee-in-lieu of land dedication.

(F) In the situation when a fee-in-lieu of land dedication is supplied by the developer, then the developer may choose to request what uses or equipment the money will be used for. The planning board shall request an assessment of the developer's desires from the parks and recreation advisory board and if they agree with the developer, then all monies received will be earmarked for the purposes so chosen.

(G) The proposal for land dedication may be in the form of a deed of a parcel of land within or contiguous to the subdivision, or contiguous to an existing public recreational facility within reasonable proximity of the subdivision. The planning board shall use the recreational/open space district map, made a part of the ordinance as a guide. Alternatively, the land dedication may be

part of a condominium or homeowners' association or proposed in any other form acceptable to the planning board provided it serves the needs of the residents of the subdivision.

(H) The planning board may decline to accept a proposed dedication of rights in land to serve the recreational needs of the residents of the subdivision in any case in which it determines that the public expense of maintaining the same would unduly burdensome compared to the recreational benefit which would be conferred or where the planning board determined that such recreational needs can more efficiently be served by applying a cash contribution from the developer to enlarge or enhance an existing recreational facility.

(I) All funds contributed to the parks and recreation open space dedication will be allocated to the development of facilities located within zones as shown on the recreational/open space district map, made a part of this chapter, unless the planning board and/or developer have determined that a contribution to a facility which lies outside the zoned area would better serve the needs of the subdivision. Such funds shall be used within a five-year period. Funds not used after five years shall be returned to the developer with interest. The interest amount shall be the average of yearly interest rates established by local banks. If for unforeseen reasons monies accumulated are not used as previously agreed upon within the five-year period, the recreation advisory board may request the planning board to reallocate the funds for other recreational uses. Notice to the developer shall be given and input from the developer shall be used to determine whether or not these monies may be reallocated.

(J) Before making any final determination about the recreational needs of the subdivision's residents, or how they can best be met, the planning board shall solicit input from the parks and recreation advisory board and shall carefully consider any recommendations in this regard which it received in response.

(K) If a project is either proposed to be phased in, is a part of a unified development or is developed by the same developers on adjacent land to previously developed land, it shall be considered as one development and will be required to participate in the recreation open space dedication.

(L) The approval by the planning board of a residential subdivision plan shall not be deemed to constitute an acceptance by the city of any open space shown on such plan. The planning board may also require the filing of a written agreement between the developer and the city covering future deed and title, dedication and provisions for the costs of grading, developing, equipping and maintaining recreation areas.

Comprehensive Plan Considerations:

The Comprehensive Plan has this area designated as a Limited Business Development District (LBD) (pink area on the map to the left) the plan also shows a strip along the Androskoggin as Resource Protection (purple area on the map to the left). The

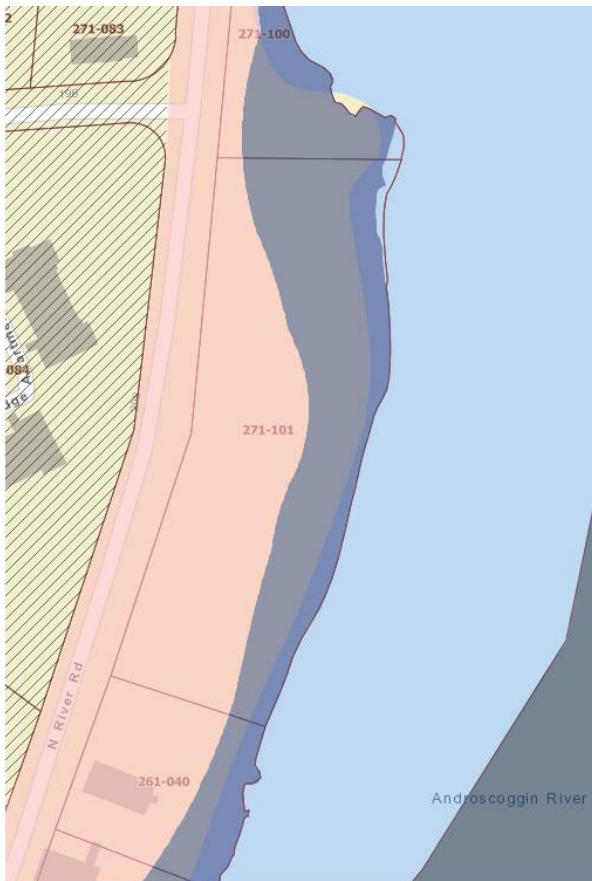


Figure 4: Subject Parcel (Comprehensive Plan Designation)

objective of the LBD district includes allowing existing and new multifamily housing at a density of up to 10-12 units per acre. The development standards for the LBD district are required to assure that new development is done in a manner that results in well designed, attractive projects that minimize the potential for undesirable impacts.

The Resource Protection area is limited to natural resource and open space uses and the development standards state that all new development and paved surfaces except for roads, trails and facilities for access to the water, should be set back from the water body or wetland and a green buffer maintained along the edge of the resource. The Applicant proposes to leave the 25-foot Shoreland Zone setback undisturbed. In addition, it is important to point out that as referenced in other projects, the language in the Comprehensive Plan that the Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development.

I. **DEPARTMENT REVIEW –**

- a. *Police* – The Police Department would be looking for pedestrian and traffic impacts or potential impacts to be considered for a multi-unit facility being constructed on a road with little to no shoulder or sidewalks to accommodate additional pedestrian and bike traffic. Also, wonder what impact the intersection of Center and Cross St. might see, if any. This can be a difficult intersection at high traffic times of day when making a left hand turn onto Center St. This would certainly not be the only road with similar problems on Center St but again, how much additional traffic will this project generate.

Is there an opportunity here to work with the developer under city ordinance Sec. 60-1367-**Recreation area/open space standards**-to establish a pedestrian path along the rivers edge that would bring pedestrians and bike traffic closer if not all the way to the intersection of Center St and North River Rd where there is already established crossings and sidewalks?

- b. *Auburn Water and Sewer* – I reviewed the Development Review Application submitted for the River's Edge Apartments, LLC dated 10/3/2019. After the review I have the following comments.
Sewer: There currently is no public sewer in the area of the proposed apartments. The proposal includes the installation of a gravity sewer main on North River Road and a pump Station and Force main that will connect to the public sewer on Northern. The District has sufficient capacity to serve this proposed development but we will not accept ownership of the proposed gravity line, pump station or force main. The development will be subject to connection fees based off the size of the water meters installed at each building.
Water: The District has sufficient capacity to serve this proposed development with both domestic water and fire protection.
- c. *Fire Department* – No comments.
- d. *Engineering* – I will need to wait until the stormwater submittal for review to comment on any issues. North River Road is surface paved and will be under moratorium for 5 years, but that shouldn't affect the development because they already have stubs for water and sewer. The possible sewer force main will have to go up Northern Avenue under a Utility Location Permit. They would be required to either put it in the roadway where they have to pave it back in new where they trench, or deep and off the edge of road not to interfere with possible future roadway closed drainage pipes/structures.
- e. *Public Services* – No Comments.
- f. *Economic and Community Development* – This submission is a preliminary plan/sketch plan. It affords the Planning Board the opportunity to provide feedback and ask questions about the proposal without the requirement to make a final ruling at the same meeting. The Applicant will take the Planning Boards recommendations and bring them back for the December meeting. As

discussed throughout the Staff Report, there are some items in the ordinance that Planning Staff feels need further explanation.

- *Recommend the 25-foot stream setback and normal high-water mark for the building, parking areas and retaining wall be delineated on the final plan.*
- *Review the building height to ensure it complies with the ordinance requirements as discussed in the Staff Report.*
- *Recommend that the size of a “typical parking stall” be shown on the plan per Sec. 60-607(2).*
- *Recommend the size of the width for the interior driveways as well as the ingress/egress points be shown on the plan per Sec. 60-607(4).*
- *It appears that the two proposed curb-cuts exceed 20 feet in width (Sec. 60-607(15)), recommend requesting a waiver from this and the Applicant consult with the Fire Prevention Officer as discussed in the Staff Report.*
- *The two access points proposed are both two-way, recommend requesting a waiver from Sec. 60-801(3) to have them remain two-way access points as well as consulting with the Fire Prevention Officer as discussed in the Staff Report.*
- *Recommend the site distance be shown on the plan or in the application materials for the area between the two curb cuts and Northern Avenue per Sec. 60-799.*
- *Further information on proposed parking lot lighting should be submitted to ensure it is deflected away from adjacent properties and North River Road (Sec. 60-607(11)).*
- *The Planning Board should determine if additional curbing is needed along the side setback and in between the 27 spaces in the front of the parking area and 10-foot landscaped area abutting North River Road (Sec. 60-607(12)).*
- *Additional information should be provided on the slope of the road/driveway banks as well as the road/driveway grades and surface drainage to ensure they meet Sec. 60-998(1&4), Sec. 60-998(5) and Sec. 60-998(6) of the Ordinance.*
- *Additional information is forthcoming regarding stormwater, Planning Staff recommends this be submitted to ensure compliance with the standards discussed above especially Sec. 60-999(a) which requires stormwater runoff be minimized.*
- *Additional information will need to be submitted regarding clearing/removing of vegetation per Sec. 60-1004, if applicable. Is any more clearing going to take place on the site?*
- *The Applicant will have to show they meet the erosion and Sedimentation Control standards per Sec. 60-1005.*
- *Further details are forthcoming on the dedication of the boat launch, open space and a potential public easement to use the riverfront trail. Planning Staff will be attending a meeting with the Parks & Recreation Board on November 13th to get their recommendation to bring back to the Planning Board for the December meeting.*

Recommended Conditions of Final Approval for December to keep in mind:

- A Certificate of Compliance per Section 60-898 shall be issued by the Planning and Development Department before the start of construction.
- Stormwater runoff control systems shall be maintained to ensure proper functioning in accordance with Sec. 60-999(b) of the City Code of Ordinances.
- An approved Flood Hazard Development Permit per Secs. 60-893.5-60-896 shall be issued by Planning Staff before the start of construction.
- Water/Sewer shall review the design of the sewer and water systems before installation and construction per Sec. 60-897(b)(c).

Suggested Waivers for the Applicant to Submit in December:

One of the suggested waivers discussed in the Staff Report applies to the Parking and Circulation Standards. Sec. 60-607(17) allows for the relaxation of the requirements of that section of the ordinance as long as they are reviewed by the Planning Board under Site Plan review. While this project is not being

reviewed as a Site Plan, it is being reviewed under Subdivision by the Planning Board which is a more stringent review process than Site Plan.

- Sec. 60-607 (15) On lots where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where two or more driveways or curb-cuts are constructed, the curb-cuts shall not exceed 20 feet in width. For automotive service stations, the curb cut widths may be increased to 32 feet for each driveway or access but shall not exceed two driveways. These widths may be increased up to a maximum of 44 feet on arterial roads if required by the city engineering department or the state department of transportation.

Waiver to allow for two, 24-foot curb-cuts.

The other suggested waiver discussed in the Staff Report applies to the Access Management Standards. Sec. 60-806 allows for a developer or owner of property subject to the access management standards to request a modification to the standards. Requests are required to be made to the Planning Board and may be allowed upon a demonstration of need by the Applicant provided the Planning Board makes a finding that the objectives of access management have been satisfied.

- Sec. 60-801. – Number of Driveways Per Lot. The maximum number of driveways to a particular site shall be governed by the following:
 - (1) No low volume traffic generator, including single-family dwellings and duplexes, shall have more than one two-way access onto a single roadway.
 - No medium or high volume traffic generator shall have more than one two-way access or two one-way accesses in total onto a single roadway.
 - All driveways shall comply with the spacing requirements.

Waiver to allow for two, two-way access points onto a single roadway.

II. PLANNING BOARD ACTION –

Sec. 60-1359. – Subdivision 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);
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- (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;
- (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;
- (6) Will provide for adequate sewage waste disposal;
- (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;
- (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;
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

- (10) Is funded by a subdivider which has adequate financial and technical capacity to meet the standards of this section;
- (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;
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development;
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
- (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.

C. 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.
- (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.
- (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. 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. c. No personal 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.

Sec. 60-899. – Review of Subdivisions and Development Proposals (Floodplain).

The Planning Board shall, **when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations** and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.
- (b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (d) All proposals include base flood elevations, flood boundaries, and, in riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- (e) Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with section 60-897 of this division. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but

not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat or plan to be signed by the planning board or local reviewing authority as part of the approval process.

III. **STAFF RECOMMENDATIONS** – When granting preliminary approval to the preliminary plan, the Planning Board needs to state the conditions of such approval, if any, with respect to:

- (1) The specific changes which it will require in the final plan;
- (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.

Planning Staff recommends the Planning Board discuss the items bulleted above and make a ruling on the preliminary plan which should include the specific changes the Planning Board would like to require for the final plan.

Suggested Motion: *I will make a motion to approve the preliminary plan to construct 3, 12-unit apartment buildings on North River Road (PID 271-101) in the General Business, Shoreland Zoning Districts contingent upon the following items being included in the final plan:*

- *Recommend the 25-foot stream setback and normal high-water mark for the building, parking areas and retaining wall be delineated on the final plan.*
- *Review the building height to ensure it complies with the ordinance requirements as discussed in the Staff Report.*
- *Recommend that the size of a “typical parking stall” be shown on the plan per Sec. 60-607(2).*
- *Recommend the size of the width for the interior driveways as well as the ingress/egress points be shown on the plan per Sec. 60-607(4).*
- *It appears that the two proposed curb-cuts exceed 20 feet in width (Sec. 60-607(15)), recommend requesting a waiver from this and the Applicant consult with the Fire Prevention Officer as discussed in the Staff Report.*
- *The two access points proposed are both two-way, recommend requesting a waiver from Sec. 60-801(3) to have them remain two-way access points as well as consulting with the Fire Prevention Officer as discussed in the Staff Report.*
- *Recommend the site distance be shown on the plan or in the application materials for the area between the two curb cuts and Northern Avenue per Sec. 60-799.*
- *Further information on proposed parking lot lighting should be submitted to ensure it is deflected away from adjacent properties and North River Road (Sec. 60-607(11)).*
- *The Planning Board should determine if additional curbing is needed along the side setback and in between the 27 spaces in the front of the parking area and 10-foot landscaped area abutting North River Road (Sec. 60-607(12)).*
- *Additional information should be provided on the slope of the road/driveway banks as well as the road/driveway grades and surface drainage to ensure they meet Sec. 60-998(1&4), Sec. 60-998(5) and Sec. 60-998(6) of the Ordinance.*
- *Additional information is forthcoming regarding stormwater, Planning Staff recommends this be submitted to ensure compliance with the standards discussed above especially Sec. 60-999(a) which requires stormwater runoff be minimized.*
- *Additional information will need to be submitted regarding clearing/removing of vegetation per Sec. 60-1004, if applicable. Is any more clearing going to take place on the site?*
- *The Applicant will have to show they meet the erosion and Sedimentation Control standards per Sec. 60-1005.*

- *Further details are forthcoming on the dedication of the boat launch, open space and a potential public easement to use the riverfront trail. Planning Staff will be attending a meeting with the Parks & Recreation Board on November 13th to get their recommendation to bring back to the Planning Board for the December meeting.*
- *Any other items discussed during the Planning Boards deliberations.*

Megan Norwood

Megan Norwood
City Planner II