

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of Planning & Permitting

## **Planning Board Report**

To: Auburn Planning Board

From: Eric Cousens, City Planner

Re: George Bussiere, agent for Lake Auburn Community Center, is seeking Site Plan and Special Exception approval for a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) of the City of Auburn Ordinances.

Date: August 13, 2013

### I. PROPOSAL

George Bussiere, agent for Lake Auburn Community Center, is seeking Site Plan and Special Exception approval for a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) and 60-229(b)(3) of the City of Auburn Ordinances.

The chapter and verse of the Ordinance refers to the following:

Section 60-172(b)(5) and 60-229(b)(3) refers to: Recreational uses of land intended or designed for public use subject to the following conditions:

- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
- b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

The existing parcel has approximately 275' of frontage on North Auburn Road and is 6.1 acres in area. The front portion of the lot is located in the Low Density Rural Residence district and the rear portion of the lot is located in the Agriculture and Resource Protection District. Recreational uses are allowed as a special exception in both zoning districts.

The existing structures in 2006 totaled 6,224 square feet in area with approximately 3,039 square feet of gravel driveway area for a total impervious area of 9263 square feet based on the application materials. Staff has worked with the former property owners since then to track the removal of structures and the replacement of impervious areas and the numbers provided appear to be accurate. The proposed use and site plan totals approximately 7,943 square feet in impervious area for phase 1, which is a reduction of 1,320 square feet in area. An inspection was conducted on August 6, 2013 and additional improvements to the "Conservation" trail along the southerly property line (right side from street) were noted. Dan Bilodeau was removing loam and installing a gravel surface in that area. The new gravel will need to be included in the total impervious area and a determination will need to be made on whether a new phosphorus plan is required. If the trail impervious area is less than the 1,320 noted above then it is staff's opinion that a phosphorus plan is not required. If the area is larger than 1,320 square feet then a phosphorus plan is required. Exact numbers will be available at the hearing but Mr. Bilodeau has indicated that he will stop installing gravel at the 1,320 square foot mark. Any future impervious areas for phase II of the project will require a phosphorus plan.

The proposed site plan provides for continued use of the two existing access points on North Auburn Road. The entrance to the Conservation trail will be used by pedestrians and occasional vehicles accessing the tree nursery during the summer and snowmobiles in the winter as it has in the past. The entrance to the parking area will be the public vehicular access to the street. Sight distance required at each entrance is 300' based on section 60-799 of the Ordinance. The site meets the requirement when looking to the north; however, sight distance is deficient when viewing oncoming vehicles approaching from the south. The applicant has contacted CMP to have vegetation removed from telephone poles and will remove other vegetation along the front property line to open up the view. It is staff's opinion that sight distance can be provided with the vegetation removal and I recommend that the board condition any approval on meeting and maintaining adequate site distance.

Traffic will increase from the former use as an agricultural or vacant barn. Traffic for normal use of the property for trail access and volleyball or ice skating will be minimal. That said, traffic will be concentrated at the beginning and end of any scheduled events. Games, hiking or events for 25 or fewer persons could occur at any time. Scheduled events for 25 to 50 persons will be scheduled with LACC and may require someone to direct vehicles into parking spaces in order to avoid impacting the street. Carpooling should be encouraged and staff believes an average of 2-3 people per vehicle is realistic for scheduled or organized events. The City ordinance does not have a specific parking standard for volleyball or outdoor skating rinks but a common

standard used in parts of the country with more volleyball courts than Maine is 8 spaces per court. To be conservative, an average of two people per vehicle will be assumed for traffic numbers. A 25 person event would require parking for 13 vehicles. Parking information was provided in an email from Dan Bilodeau on July 29, 2013 and indicates that there is parking for 13 vehicles in the existing lot and more along the street. Parking is not prohibited on the street but on-street parking cannot be used to meet minimum parking requirements for a new facility in these zoning districts. Although we do not have a striping plan for the seasonal event parking area staff believes that 13 vehicles is realistic in the proposed parking area for phase 1. Review of Phase II noted in the application is not requested at this time. Other recreational and seasonal uses have been allowed to use gravel parking areas in the past, however, year round parking areas containing over six spaces are required to be paved with a solid surface material. I would ask that the Board make a determination that the proposed use is/is not seasonal / infrequent in nature and the paving requirement be waived provided that the surface is maintained as a dust free surface. Reclaim asphalt has been required in the past as an alternative to hot mix asphalt or concrete to ensure that the surface is dust free. For scheduled events of over 25 people staff recommends that the Board require additional parking and/or a management plan that limits regular events to 25 or fewer persons and mandates carpooling and on-site traffic direction to keep parking demand at a level that can be accommodated on-site.

Volleyball facilities and other athletic fields can create noise. The Board may want to consider limiting hours of operation if abutters are concerned with the potential for impacts. The ordinance will limit noise at property boundaries to 50 dB(A) in a residential zone. An abutting landowner, LAWPC, allows the public to recreate on their land from sunrise to sunset, but the current request may require extended hours for evening events.

Sanitary facilities in phase one will be provided as port-a-potty type facilities. For recreational and seasonal exterior use like that proposed, the State Plumbing Code allows for the use of these facilities. Phase two will require indoor plumbing and subsurface wastewater disposal (SSWD) in accordance with the State Plumbing Code and the Lake Auburn Overlay district. The Board should be aware that the property had access to suitable soils for SSWD in accordance with State and local requirements when it was transferred from Daniel Gibbs to Dan Bilodeau and George Bussiere as joint tenants. George Bussiere then released his interest in the property to Dan Bilodeau with SSWW easements included in the transfer. The property was then transferred to the Lake Auburn Watershed Neighborhood Association with easement access to SSWW soils as a buildable lot. Following that transfer, Dan Bilodeau was made aware that LAWNA did not have proper documentation available in time for April 1<sup>st</sup> to obtain a local property tax exemption so the easement for access to a legal SSWW disposal area was eliminated, rendering the property unbuildable for any use requiring SSWW disposal, and the assessed market value was reduced accordingly in his effort to avoid local taxation. Phase II would require that the easement be reacquired or other access to suitable soils be obtained, but at

the current time the applicant has indicated that review and approval of that is not being requested. The applicant can confirm that at the meeting and eliminate the need for wastewater disposal at this time.

Excerpts from the comprehensive plan were included in the application. It is Staff's opinion that the proposed development as it is consistent with the comprehensive plan and can meet the requirements of the ordinance with conditions.

## II. DEPARTMENT REVIEW

### Police Department:

Parking plans will need to be reviewed prior to hosting events for over 25 persons.

### Fire Department:

No concerns with Phase I.

### Water and Sewer District:

See attached letter from John Storer.

### Engineering Department:

The Department Concerns are being addressed with the proposed conditions.

### Planning Department:

- A. Any refuse and recycling containers shall be located within refuse enclosures at all times. Said enclosure/s shall be reviewed with Staff prior to their construction and building permits must be issued.
- B. Any new site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount.

## III. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The Zoning Ordinance contains no specific requirements for the recreational use similar to that being proposed.
- B. The Special Exception sought will not create or aggravate a traffic hazard, a fire hazard or any other safety hazard provided that events are limited to 25 or fewer persons or an acceptable parking management plan or additional parking is provided onsite.

- C. The proposed Special Exception sought will not block or hamper the Comprehensive Plan pattern of highway circulation or of planned major public or semi-public land acquisition.
- D. The subject property is situated in the AG/RP and RR districts and the proposed use is consistent with this zoning classification. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
- E. The proposed use is on an existing lot of record.
- F. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.
- G. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the City's Comprehensive Plan.
- H. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

#### IV. RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board approve the proposed Special Exception & Site Plan request of George Bussiere, agent for Lake Auburn Community Center for an outdoor volleyball court/ice skating facility as a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) and section 60-229(b)(3) of the City of Auburn Ordinances, with the following conditions:

- A. The structures shall not be used or occupied by the public until it is reviewed and approved by the planning board and made compliant with state and local codes for any future intended use. The current use of the structures, as private barn/agricultural buildings, may continue, however, their condition is unsafe for public occupancy.
- B. Events shall be limited to 25 or fewer persons unless an acceptable parking management plan is provided by the applicant and approved by the Auburn Police Department and/or Planning and Permitting Department. As proposed in the application, the plan may allow up to 50 persons if a parking plan is approved.

- C. Prior to the start of any future site work the developer must contact the Engineering Division Construction Inspector regarding any bonding requirements and inspection fees.
- D. Site distance of entrance is 300' based on section 60-799 of the Ordinance shall be provided and maintained.
- E. All refuse and recycling containers shall be located within refuse enclosures with the exception of trash cans while in use for an event.
- F. Any site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount.
- G. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal.

Eric Cousens  
Director of Planning and Permitting