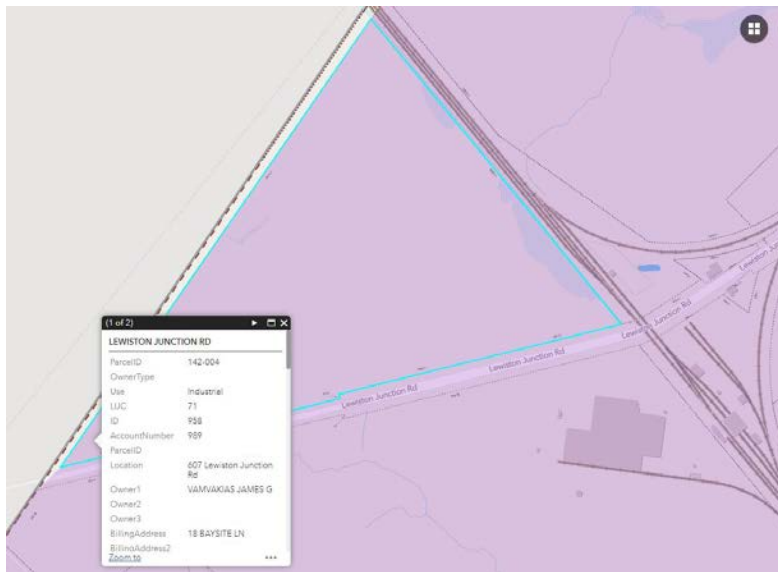


To: Auburn Planning Board
 From: Katherine Cook, Planning Coordinator
 Re: Auburn Recycling Facility: 607 Lewiston Junction Road, LLC
 Date: June 28, 2022

I. PROPOSAL: PUBLIC HEARING/ SPECIAL EXCEPTION: Auburn Recycling Facility: 607 Lewiston Junction Rd, LLC, is proposing a new solid waste processing facility in the Industrial District at 607 Lewiston Junction Rd and Parcel I.D. 142-004. The proposal is to occupy approximately 7 acres in a newly cleared 8.6-acre area within the easterly portion of the property which is approximately 40 acres. 607 Lewiston Junction Rd. Is proposed pursuant to Chapter 60 Division 15- Industrial District 60-578(b)(11) Junkyard and to Chapter 60 Article XVI Division 2- Site Plan Review and Division 3-Special Exception. The proposal is also pursuant to Chapter 14 Article III –Automobile Graveyards and Junkyards.



II. BOARD ACTION/ STAFF SUGGESTIONS:

Staff recommends that the Planning Board Review and hold a public hearing pursuant to Chapter 60 Division 15- Industrial District 60-578(b)(11) Junkyard and Chapter 60 Article XVI Division 2- Site Plan Review and Division 3-Special Exception. The proposal is also pursuant to Chapter 14 Article III –Automobile Graveyards and Junkyards.

III. FINDINGS AND SUMMARY

The numbered list below summarizes the findings from the project review

followed by the Ordinances applicable to this project.

1. Staff received confirmation from staff from Maine Department of Environmental Protection on June 15, 2022 that 607 Lewiston Junction Rd, LLC project is being reviewed by DEP’s Bureau of Remediation and Waste Management (BRWM) for a solid waste license (S-22570-WK-A-N).
2. Waste facilities fall under site law exemption including storm water law because they are regulated by the DEP’s Bureau of Remediation and Waste Management (section 1310-N, 1319-R or 1319-X).
3. The proposed Recycling Facility is a use allowed in the Industrial (ID) zone as a Special Exception.
4. The project meets all dimensional and setback requirements of the ID zone apart from the higher distance between the distance of the plant enclosure from the other buildings. The applicant has requested a variance to address this.



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5. The applicant has requested a variance from the landscaping requirements listed in Ch. 60, Div 15; Ch. 14 Art. III and Ch. 60 Art. XVI Div. 2. though proposes extra plantings to provide additional screening at part of the site abutting the street.
6. The project is not expected to be in the site line of any residential property.
7. The project is not expected to surpass DEP and City noise regulations
8. All auto and junk will be stored at or above the required setback from areas of significance listed in sec. 14-74 (a) (4).
9. Staff has found that the proposed auto drainage and junk and auto storage areas to be at appropriate setbacks (Ch. 14 Art, III).
10. The project can be constructed without detriment to City funds or resources.

For the Planning Board's review, we have addressed the applicant, 607 Lewiston Junction Road, LLC, proposal to ensure the project conforms to all provisions within ARTICLE IV, DIVISION 15, CHAPTER 14 ARTICLE III and ARTICLE VIII as appropriate and applicable in this section below.

CHAPTER 60 DIVISION 15 INDUSTRIAL DISTRICT

Junkyards are a Special Exception use in the Industrial Zone (Sec. 60-578).

Sec. 60-579. - Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations.

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth. **The minimum lot width and depth requirements have been met.**

(2) *Density.* Not more than 40 percent of the total lot area shall be covered by buildings. **The density meets the requirements of the zone.**

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback. The required setback is five (5) feet between buildings and side property lines.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

The rear, side, and front setbacks all meet requirements for this zone.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater. **The applicant requests a variance be made to the building separation standards which states that buildings must be separated by the height of the**



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higher building or 30 feet, whichever is greater. The plant enclosure is the tallest building which is proposed to be located at 170 +/- feet from the office and garage buildings which are both separated by 30 feet.

e. Railroad tracks. Where the principal use requires access to a railroad... **This does not apply to the project.**

f. Open and unbuilt spaces. Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge. **The site is proposed to occupy 7 +/- acres within the 40 +/- acre site; the majority of which is already occupied with mature vegetation. There is no residential property which is expected to have a site line to articles, supplies and materials.**

g. Landscaping. Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

The applicant requests a variance from planting additional trees within the parking lot and adjacent to the office building siting the mature vegetation surrounding the site.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building. **Staff believes this standard has been met as mature vegetation surrounds the site. The applicant has also proposed a selection of new plantings at the front of the site to emphasize buffering in this area.**

3. All lots which abut the side or rear lot line of a lot in a residential district... **The lot does not abut a residential district.**

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet. **The applicant requests a variance to this standard listing in their plan that the existing mature vegetation is 150 feet-250 feet near the shared lot line by the railroad, about 300 feet at the rear of the site, and about 800 feet at the westerly lot line. This vegetation excludes the entry drives.**

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement. Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section. Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas. **The applicant requests a variance from the landscaping standards as the site will likely not be visible to abutting properties. Instead, the applicant wishes to keep the existing wooded vegetation as a buffer and supplement as shown on the submitted plan.**

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.



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The applicant does not exceed the maximum height of 75 feet.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

The applicant meets this requirement (Sec. 60-608) providing 19 parking spaces, one of which is HC van accessible.

CHAPTER 14 ARTICLE III- AUTOMOBILE GRAVEYARDS AND JUNKYARDS

Sec. 14-74. - Administration. Chapter 14 Division 3

It is staff's opinion that the applicant has met or will meet as condition of approval federal, state agency, and municipal requirements (Sec. 14-74)

(a) *Compliance standards:* The following standards shall govern the issuance of permits under this article and the operation and maintenance of all permitted premises:

- (1) An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where vehicles or junk are to be located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. **The site will be approximately 7 acres in a newly cleared 8.6-acre area within the easterly portion of the property which is approximately 40 acres. The site of development presently is covered in mature vegetation which is proposed to remain surrounding the site. There are no abutting properties the applicant expects will any clear site line to the project.**
- (2) All screening and location requirements of 30-A M.R.S.A. §§ 3754-A and 3755-A shall be satisfied. There shall be no vehicles or junk stored outside the screened area. **The applicant has proposed plantings to screen street views shown on the site plans. See the rest of the details about screening above.**
- (3) No vehicle or junk shall be stored within 300 feet of any water body, aquifer or classified waterway. **There are no water bodies, aquifers or classified waterways within the site or abutting the property line.**
- (4) No vehicles or junk shall be stored within 300 feet of any residence, private well or school. **There are no residences, wells or schools within 300 feet of the proposed development.**
- (5) No vehicles or junk shall be stored within a floodplain. **The site does not exist on any floodplain and no junk will therefore be stored in a floodplain.**
- (6) Upon receiving a motor vehicle, the fuel tank and battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable federal and state laws, rules and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground. **The BRWM Solid Waste Permit ensures this is met.**
- (7) No vehicles or junk shall be located closer than 100 feet from all lot lines of the property. **The auto to be drained are proposed to be located 180 +/- feet from the front lot line and scrap and residue is proposed to be stored 400 +/- feet from the rear property line.**



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- (8) All dismantling of motor vehicles with power tools shall take place within a building.
- (9) All federal and state hazardous waste laws and regulations shall be satisfied. **Auburn Recycling Facility is regulated by the Department of Environmental Protection. Waste facilities fall under site law exemption from storm water law because they are regulated by the DEP's Bureau of Remediation and Waste Management (section 1310-N, 1319-R or 1319-X). This project is being reviewed through this process.**
- (10) All vehicular entrances and exits shall be located and constructed in a manner which does not create or aggravate a traffic safety hazard. **The applicant this in the application and verbally during a meeting with staff. The facility is estimated to generate 38 trips and 41 trips during the AM and PM hours estimated at the peak traffic hours on the adjacent street. The entryways were measured for safe site distance and not expected to be significant (Sec. 60-799).**
- (11) No noise, vibration, glare, fumes or odor shall be emitted that is detectable to the normal senses from any abutting property. **A sound level impact assessment has been conducted by Epsilon Associates, Inc. (Epsilon) for this project. Daytime sound levels predicted from this project at the modeling locations range from 60- 72 dBA, and nighttime sound levels range from 47 to 56 dBA. At the closest protected area as defined by the Department of Environmental Protection, the daytime sound level is 60 dBA and the nighttime level is 47 dBA. These measurements fall at or below the limit set by the DEP (70 dBA) and is therefore expected to comply with state regulations regarding noise. The sound level was also measured at all neighboring properties in Auburn for compliance with the city's sound level limits. All receptors measured below the limit with the exception of the of the property line of the abutting railway at which point the sound measures 2dBA over the limit. However, the sound level is back within the conforming limits on the other side of the railroad tracks. The project is therefore expected to comply with both the Department of Environmental Protection and the City of Auburn's noise regulations. More information is included in the Epsilon report included in the application.**

ARTICLE XVI DIVISION 2- SITE PLAN REVIEW/ SPECIAL EXCEPPTION

It is staff's opinion that the applicant's proposal meets all the criteria and standards in Article XVI Division 2 and Division 3.

(a)As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:

- (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. **All requirements of development within the Industrial (ID) Zone are met.**
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. **The special exception sought, junkyard use within the ID zone will not create a traffic, fire, or any other safety hazard.**



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(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. **There are no changes proposed to any transportation patterns and as this project is proposed for the Industrial zone, staff believes this is an appropriate site which does not block or hinder any planned project in the area.**

(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. **This special exception within the ID zone will not alter the essential characteristics of this area which is also occupied by vacant land or industrial uses and an active railway.**

(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. **Appropriate provisions have been made for land space, lot width, lot area, and stormwater management pursuant to sec. 60-1301. The site will undergo review from the Department of Environmental Protection's Bureau of Remediation and Waste Management. Stormwater review pursuant to Chapter 500 is included in the DEP's Waste Management permitting process. Staff believes that all other provisions have been addressed in the application, noting the requested landscaping variance. No off-street parking is proposed.**

(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. **No relaxed standards are proposed.**

(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, (Sec. 60-1336.) **The proposed 607 Lewiston Junction Rd. Recycling Facility does not disrupt the City's comprehensive plan.**

IV. COMMENTS AND CONDITIONS FROM CITY DEPARTMENT REVIEW:

All comments from the City's Departmental Review have been addressed.

Comments from Staff Review:

1. The water stub must be installed across the road by Sept. 1 because the road is scheduled for paving at that time after which will be a five-year moratorium.

The applicant verified this would be completed before June 1.

2. Must receive a tier-1 wetland permit prior to construction.

The applicant has submitted an application to the Dept. Of Environmental Protection and staff suggests that receipt of this permit be a condition of approval.

3. Contact @Rosemary Mosher to fill out a new addressing form for the facility.

Applicant has contacted this staff person to solidify the site's address.



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V. SUGGESTED MOTION:

I make a motion to approve the proposed 7+/- acre development, Auburn Recycling Facility: 607 Lewiston Junction Rd, LLC, shown as Parcel I.D. 142-004 on Auburn's Tax Map within a cleared 8.6-acre area at the easterly portion of lot. This motion is subject to the following terms and conditions:

Staff suggest that the following conditions be included in a motion as terms of approval.

- 1. The water stub must be installed across the road by Sept. 1 because the road is scheduled for paving at that time after which will be a five-year moratorium.*
- 2. Receive an NRPA & ACOE tier-1 wetland permit prior to construction.*
- 3. Must receive a General Permit/ Industrials Stormwater Discharge permit under the DEP's Department of Remediation and Waste Management and Comply with Solid waste Program to include stormwater, site law and solid waste.*
- 4. Increased stormwater discharges to wetlands should be sheet flow through level spreaders*
- 5. The discharge of runoff to a wetland due to a 2-year storm may not increase the mean storage depth within a wetland by more than 2 inches above the pre-development levels for more than 24 hours from the end of the storm event unless otherwise approved. The submitted HydroCAD model identifies an increased risk in peak elevation of greater than 2 inches for wetlands 1 and 2, and a significant increase in the storage volume utilized. The applicant should address how this standard is being met.*
- 6. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.*